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# ELECTION LAWS

OF THE

## State of North Carolina

1961

AND

### ARTICLE VI OF STATE CONSTITUTION



Compiled by  
THE STATE BOARD OF ELECTIONS  
Raleigh, N. C.







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# NORTH CAROLINA ELECTION LAWS

[CHAPTER 163, GENERAL STATUTES OF 1943]

## SUBCHAPTER 1. GENERAL ELECTIONS

### ARTICLE I. POLITICAL PARTIES

#### Sec. 1. POLITICAL PARTY DEFINED; CREATION OF NEW PARTY.

A political party within the meaning of the election laws of this State shall be—

(1) Any group of voters which, at the last preceding general State election, polled for its candidate for governor, or for presidential electors, in the State at least ten per cent of the entire vote cast therein for governor, or for presidential electors; or

(2) Any group of voters which shall have filed with the State Board of Elections by twelve o'clock noon, on or before the first day of July preceding the day on which a general State election is held petitions signed by ten thousand persons who are at that time registered and qualified voters in this State, declaring their intention to organize a new State political party, the name of which party shall be stated on the petitions together with the name and address of the state chairman thereof, and also there shall be set forth on the petitions a declaration of their intention of participating in the next succeeding election and affiliating with said new State political party by voting for the nominees thereof. The signatures of the persons signing such petitions shall be proven before some officer authorized to take acknowledgment of deeds and other instruments which may be recorded and such acknowledgments certified by such officer, or the genuineness of such signatures shall be proven by the oath and examination before such officer by a person in whose presence the petitions were signed and such proof certified by such officer. Such petitions must be accompanied by certificates signed by the chairman of the county boards of elections in the several counties in which signatures to the petitions are obtained, certifying that the signatures on the petitions have been checked against the registration books and showing the number and indicating by check marks on the petitions the names of the petitioners who are duly qualified and registered voters in such county. The group of petitioners shall pay to the chairmen of the county boards of elections who check the signatures on the petitions a fee of five cents for each name checked on the petitions.

No such group of petitioners shall assume a name or designation which shall be so similar, in the opinion of the State Board of Elections, to that of an existing political party as to confuse or mislead the voters at an election, and which name or designation shall not contain the same word that appears in the name or designation of any existing State political party. When any new political party has qualified for participation in an election as herein required, and has furnished to the State Board of Elections by the first day of August prior to the election the names of such of its nominees named in a convention of such party, for State, Congressional and National offices as is desired to be printed on the official ballots, it shall be the duty of the State Board of Elections to cause to be printed on the official ballots furnished by it to the counties the names of such nominees. No names of any candidates of any new party shall be printed on the county ballots in any county for the first election held after the filing of such petitions. When any political party fails to cast ten per cent of the total vote cast at any election for governor, or for presidential electors, it shall cease to be a political party within the meaning of this chapter. *Provided*, that notwithstanding any other provision of this section, any group of voters which at the 1948 general election polled for its candidates for presidential elector in the State at least three percent of the total vote cast therein for presidential electors shall be deemed to be a political party within the meaning of the election and primary laws of this State until the regular general election of 1952 is held.

1901, c. 89, s. 5; 1933, c. 165, s. 1; 1949, c. 671, s. 1.



## ART. 2. TIME OF ELECTIONS

**Sec. 2. FOR STATE OFFICERS.** On Tuesday next after the first Monday in November, in the year of our Lord one thousand nine hundred and four, and every four years thereafter, an election shall be held in the several election precincts in each county for the following officers: Governor, Lieutenant-Governor, Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney-General, and other State officers whose terms last for four years, and at said time and every two years thereafter, elections shall be held in the several election precincts in each county for other State officers whose election is not otherwise provided for by law.

1901, c. 89, s. 3.

**Sec. 3. FOR PRESIDENTIAL ELECTORS.** On the Tuesday next after the first Monday in the month of November, in the year of our Lord one thousand nine hundred and eight, and every four years thereafter, or on such days as the Congress of the United States shall have directed, a poll shall be opened in each of the precincts of the State for the election of electors of President and Vice-President of the United States, the number of whom is to be equal to the number of Senators and Representatives in Congress to which this State may be entitled, and the persons shall be electors for the State as aforesaid, and the voting place in each ward or precinct shall be the same as in elections for members of the General Assembly, unless changed by the County Board of Elections.

1901, c. 89, s. 77.

**Sec. 4. FOR CONGRESSMEN, LEGISLATORS, COUNTY OFFICERS, AND SOLICITORS.** On the Tuesday next after the first Monday in November, in the year of our Lord one thousand nine hundred six, and every two years thereafter, an election shall be held in the several election precincts in each county for members of the House of Representatives of the Congress of the United States in the several districts, and members of the General Assembly for their respective counties and districts. At the same time and in the same manner as members of the General Assembly are elected, subject to whether the term is for two years or four as by law provided, an election shall be held in each county for a Clerk of the Superior Court, register of deeds, sheriff, coroner, county surveyor, county commissioners, where the county commissioners are elected by the people, and in such counties as have one, a county treasurer, and other officers; and at such times an election shall be held in the several judicial districts for the office of solicitor.

1901, c. 29, s. 1; 1935, c. 362; Const. Art. IV, s. 24.

**Sec. 5. FOR TOWNSHIP OFFICES.** On the first Tuesday after the first Monday in November, in the year of our Lord one thousand nine hundred and six, and every two years thereafter, an election shall be held in each township for the office of Constable, and also for Justices of the Peace in such counties as elect them by a vote of the people, and all other officers elected by a vote of the township.

1901, c. 89, s. 2.

**Sec. 6. FILLING VACANCIES FOR MEMBERS OF GENERAL ASSEMBLY.** If a vacancy shall occur in the General Assembly by death, resignation or otherwise, the said vacancy shall be filled immediately by the Governor appointing the person recommended by the executive committee of the county in which the deceased or resigned member was resident, being the executive committee of the political party with which the deceased or resigned member was affiliated at the time of his election.

1901, c. 89, s. 74; 1947, c. 505, s. 1; 1953, c. 1191, s. 1.



**Sec. 7. FOR VACANCIES IN STATE OFFICES.** Whenever any vacancies shall exist by reason of death, resignation, or otherwise, in any of the following offices, to-wit, Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney-General, Solicitor, Justices of the Supreme Court, Judges of the Superior Court, or any other State officer elected by the people, the same shall be filled by elections, to be held in the manner and places and under the same regulations and rules as prescribed for general elections, at the next regular election for members of the General Assembly which shall occur more than thirty days after such vacancy, except as otherwise provided for in the Constitution.

1901, c. 89, ss. 4, 74.



### ART. 3. STATE BOARD OF ELECTIONS

**Sec. 8. STATE BOARD OF ELECTIONS; APPOINTMENT; TERM OF OFFICE.** All of the terms of office of the present members of the State Board of Elections shall expire on May 1, 1953, or when their successors in office are appointed and qualified. The State Board of Elections shall consist of five electors whose terms of office shall begin on May 1, 1953, and shall continue for four years and until their successors are appointed and qualified. The Governor shall appoint the members of this board and likewise shall appoint their successors every four years at the expiration of each four-year term. Not more than three members of said board shall be of the same political party.

1901, c. 89, s. 5; 1933, c. 165, s. 1; 1953, c. 428.

**Sec. 9. MEETINGS OF BOARD; VACANCIES; PAY.** The State Board of Elections shall meet in Raleigh whenever the Chairman of said Board shall call such meetings as may be necessary to discharge the duties and functions imposed upon said Board by this Chapter at such times and places as he may appoint. At the first meeting held after the appointment of members for a new term, the members shall take the oath of office and the Board shall then organize by electing one of its members Chairman and another Secretary of said Board.

The Chairman of the State Board of Elections shall call a meeting of the Board upon the application in writing of any two members thereof, or if there be no Chairman, or if the Chairman does not call such meeting, any three members of said Board shall have power to call a meeting of the Board and any duties imposed or power conferred by this chapter may be performed or exercised at such meeting, although the time for performing or exercising the same prescribed by this chapter may have expired; and if at any meeting any member of said Board shall fail to attend, and by reason thereof there is a failure of a quorum, the members attending shall adjourn from day to day, for not more than three days, at the end of which time, if there should be no quorum, the Governor may remove the members so failing to attend summarily and appoint their successors.

Any vacancy occurring in the said Board shall be filled by the Governor, and the person so appointed shall fill the unexpired term.

The members of the Board shall receive in full compensation for their services seven dollars per day for the time they are actually engaged in the discharge of their duties, together with their actual traveling expenses, and such other expenses as are necessary and incidental to the discharge of the duties imposed by this chapter.

1901, c. 89, s. 7; 1933, c. 165, s. 1; 1943, c. 530, s. 4.

**Sec. 10. DUTIES OF THE STATE BOARD OF ELECTIONS:** It shall be the duty of the State Board of Elections:

1. To appoint, in the manner provided by law, all members of the County Boards of Elections, and to advise such members of such Boards as to the proper methods of conducting primaries and elections.
2. To prepare rules, regulations and instructions for the conduct of primaries and elections.
3. To publish and furnish to the County Boards of Elections and other election officials, from time to time, a sufficient number of indexed copies of all election laws then in force.
4. To publish, issue and distribute such explanatory pamphlets as in the opinion of the Board should be issued to the electorate.
5. To furnish to the County Boards of Elections such registration and poll books, cards, blanks, instructions and forms as may be necessary for the registration of voters and holding elections in the respective counties.



6. To determine, in the manner provided by law, the forms of ballots, the forms of all blanks, instructions, poll books, tally sheets, abstract and return forms, and certificates of elections to be used in primaries and elections.
7. To prepare, print and distribute to the County Boards of Elections all ballots for use in any primary or election held in the State which the law provides shall be printed and furnished by the State to the counties, and to instruct the County Boards of Elections as to the printing of their county and local ballots.
8. To certify to the several County Boards of Elections the names of such candidates for district offices who are required to file notice of candidacy with the State Board of Elections, but whose names are required to be printed on the county ballots.
9. To require such reports from several County Boards and election officers as are provided by law, or may be deemed necessary.
10. To compel the observance, by election officers in the counties, of the requirements of the election laws, and the State Board of Elections shall have the right to hear and act on complaints arising by petition or otherwise, on the failure or neglect of a county board of elections to comply with any part of the election laws pertaining to their duties thereunder. And the State Board of Elections shall have power to remove any member of a county board of elections for neglect or failure in his duties and to appoint a successor.
11. To investigate when necessary or advisable, the administration of election laws, frauds and irregularities in elections in any county, and to report violations of the election laws to the Attorney General or Solicitor of the district for further investigation and prosecution.
12. To tabulate the primary and election returns and to declare the results of same, and to prepare abstracts of the votes cast in each county in the State for such offices as is provided by law shall be tabulated by the State Board of Elections.
13. To keep a Minute Book showing a record of all proceedings and findings at each meeting of the State Board of Elections, which book shall be kept in the office of the State Board of Elections.
14. To make such recommendations to the Governor and Legislature relative to the conduct and administration of the primaries and the elections in the State as it may deem advisable.
15. To have general supervision over the primaries and elections in the State and it shall have the authority to make such reasonable rules and regulations with respect to the conduct of primaries and elections as it may deem advisable: *Provided* same shall not conflict with any provisions of the law.
16. The State Board of Elections may, under such rules and regulations as it may prescribe, when it deems it necessary and advisable, authorize the chairman of any county board of elections to delegate the authority to any other member of such county board of elections to receive applications for and to issue absentee ballots in any primary or general election; provided the chairman at any county board of elections may in his discretion decline to delegate any other member of said board to receive applications for and to issue absentee ballots.

In the performance of these enumerated duties, the Chairman of the State Board of Elections shall have the power to administer oaths, issue subpoenas, summon witnesses, compel the production of papers, books, records and other evidence; and to fix the time and place for hearing any matter relating to the administration and enforcement of the election laws; *Provided, however*, the place of hearing shall be had in the county where the irregularities are alleged to have been committed.



## ART. 4. COUNTY BOARD OF ELECTIONS

**Sec. 11. COUNTY BOARDS OF ELECTIONS; APPOINTMENTS; TERM OF OFFICE AND QUALIFICATIONS.** There shall be in every county in the State a County Board of Elections to consist of three persons of good moral character, who are electors in the county in which they are to act, who shall be appointed by the State Board of Elections on the Friday preceding the tenth Saturday preceding each primary election, and whose terms of office shall continue for two years from time of their appointment and until their successors are appointed and qualified. Not more than two members of the County Board of Elections shall belong to the same political party, and the State Chairman of each political party shall have the right to recommend three electors in each county for such offices, and it shall be the duty of the State Board of Elections to appoint said county board from the names thus recommended: *Provided*, that said chairman shall recommend such persons at least fifteen days before the tenth Saturday before the primary election is to be held.

No person shall serve as a member of the County Board of Elections who holds any elective public office or who is a candidate for any office in the primary or election.

No person, while acting as a member of a county board of elections, shall serve as a county campaign manager of any candidate in a primary or election.

1901, c. 89, s. 6; 1933, c. 165, s. 2; 1945, c. 758, s. 1; 1949, c. 672, s. 1; 1955, c. 871, s. 1.

**Sec. 12. MEETINGS OF COUNTY ELECTIONS BOARDS; VACANCIES; PAY.** The County Board of Elections in each county in the State shall meet in their respective counties at the courthouse at noon on the ninth Saturday before each primary election, and a majority being present, they shall take the oath of office and shall then organize by electing one of its members Chairman and another member Secretary, and it may meet at such other times and places as the Chairman of said Board, or any two members thereof may direct, for the performance of such duties as required by law.

Whenever a vacancy occurs in the membership of a county board of election, the State chairman of the political party of the vacated member shall have the right to recommend two electors for such office, and it shall be the duty of the State Board of Elections or the Chairman of the State Board of Elections to fill the vacancy from the names thus recommended.

The members of the County Board of Elections shall receive in full compensation for their services fifteen dollars per day for the time they are actually engaged in the discharge of their duties, together with such other expenses as are necessary and incidental to the discharge of their duties: *Provided*, that the chairman of a county board of elections shall receive for his services, when actually engaged in the discharge of his duties, the sum of fifteen dollars per day. *Provided* further that the board of county commissioners of a county shall have the right and authority, in lieu of the provisions of this Section relating to the compensation of the chairman of the county board of elections, to pay additional compensation to the chairman other than that mentioned above.

1901, c. 89, s. 11; 1923, c. 111, s. 1; 1933, c. 165, s. 2; 1941, c. 305, s. 1; 1945, c. 758, s. 2; 1953, c. 410, ss. 1 and 2; 1953, c. 1191, s. 2; 1957, c. 182, s. 1; 1959, c. 1203, s. 1.

**Sec. 12.1. COMPENSATION OF BOARD MEMBERS AND OTHER PERSONNEL IN CERTAIN COUNTIES HAVING LOOSE-LEAF AND VISIBLE REGISTRATION SYSTEM AND PERMANENT REGISTRATION.** In counties having one or more municipalities with a population in excess of 10,000 and in which a modern loose-leaf and visible registration system has been established as permitted by G. S. 163-43, with a full time and permanent registration as authorized by G. S. 163-31 and 163-31.2, the members of the county board of elections shall be paid such compensation for the performance of their duties as shall be fixed in the discretion of the county commissioners of such county, and the executive secretaries, if



such be named, and all special registration commissioners, other clerks, employees and other board personnel of such county board of elections shall be paid such compensation for the performance of their duties as shall be fixed in the discretion of the county board of elections, by and with the consent and approval of the board of county commissioners of the county.

1953, c. 843; 1955, c. 800.

**Sec. 13. REMOVAL OF MEMBER OF COUNTY BOARD OF ELECTIONS.** The State Board of Elections shall have the power to remove from office any member of the County Board of Elections for incompetency, failure of duty, fraud, or for any other satisfactory cause. When any member of the County Board shall be removed by the State Board, the vacancy occurring shall be filled by the State Board of Elections.

Whenever a vacancy occurs in the membership of a county board of elections for any other cause than removal by the State Board of Elections, the State chairman of the political party of the vacating member shall have the right to recommend two electors for such office and it shall be the duty of the State Board of Elections or the Chairman of the State Board of Elections to fill the vacancy from the names thus recommended.

1901, c. 89, s. 11; 1913, c. 138; 1921, c. 181, s. 1; 1923, c. 196; 1933, c. 165, s. 2; 1953, c. 410, s. 2.

**Sec. 14. DUTIES OF COUNTY BOARDS OF ELECTIONS.** The Boards of Elections within their respective jurisdictions by a majority vote shall exercise, in the manner herein provided, all powers granted to such Boards in this chapter, and shall perform all the duties imposed by law which shall include the following:

1. To establish, define, provide, rearrange and combine election precincts.
2. To fix and provide the places for registration, when required, and for holding primaries and elections.
3. To provide for the purchase, preservation and maintenance of booths, ballot boxes, books, maps, flags, blanks, cards of instruction, and other forms, papers and equipment as may be used in registration, nominations and elections.
4. To appoint and remove its clerk, assistant clerks, and employees, and all registrars, judges, clerks and other officers of elections, and to fill vacancies, and to designate the ward or district and precinct in which each shall serve.
5. To make and issue such rules, regulations and instructions, not inconsistent with law, or the rules established by the State Board of Elections as they may deem necessary for the guidance of election officers and voters.
6. To advertise and contract for the printing of ballots, and other supplies used in registrations and elections.
7. To provide for the issuance of all notices, advertisements, and publications concerning elections required by law.
8. To provide for the delivery of ballots, poll books and other required papers and materials to the polling places.
9. To cause the polling places to be suitably provided with stalls and other supplies required by law.
10. To investigate irregularities, non-performance of duties, or violations of laws by election officers and other persons; to administer oaths, issue subpoenas, summon witnesses, and compel the production of books, papers, records, and other evidence in connection with any such investigation; and to report the facts to the prosecuting attorney.



11. To review, examine and certify the sufficiency and validity of petitions and nomination papers.
12. To receive the returns of primaries and elections, canvass the returns, make abstracts thereof and transmit such abstracts to the proper authorities provided by law.
13. To issue certificates of election to county and township officers and members of the General Assembly, except State Senators in districts composed of more than one county.
14. To keep Minute Book of proceedings of Board.
15. To prepare and submit to the proper appropriating officers a budget estimating the cost of elections for the ensuing fiscal year.
16. To perform such other duties as may be prescribed by law or the rules of the State Board of Elections.

1901, c. 89, s. 11; 1921, c. 181, s. 2; 1927, c. 260, s. 1; 1933, c. 165, s. 2.

**Sec. 14.1. EXECUTIVE SECRETARIES TO COUNTY BOARDS IN CERTAIN COUNTIES HAVING LOOSE-LEAF AND VISIBLE REGISTRATION SYSTEM AND PERMANENT REGISTRATION.** In counties having one or more municipalities, with a population in excess of 10,000 and in which a modern loose-leaf and visible registration system has been established as permitted by G. S. 163-43, with a full-time and permanent registration as authorized by G. S. 163-31 and 163-31.2, the county board of elections shall have the power and authority by a majority vote to designate and appoint from time to time executive secretaries, and to delegate to such executive secretaries, by specific resolution, so much of the administrative details of election functions, duties and work of the county board of elections, the officers and members thereof, or the supervisory heads of county units, where such units have been established as provided by G. S. 163-14.2, as is now, or may hereafter be, vested in county boards of elections, its officers and members by Chapter 163 of the General Statutes of North Carolina, as said county board of elections may see fit by such majority vote to give to such executive secretaries, and thereafter such executive secretaries shall act within the limitation of the authority and duties delegated and imposed upon them by the county board of elections, as fully and to the same extent as though the same were actually done and performed by the county board of elections, its officers and members: Provided, that no delegation of the quasi-judicial or policy making duties and authority of the county board of elections shall be made. No person shall serve as an executive secretary who holds any elective public office or who is a candidate for any office in a primary or election, or who holds an official position with any political party.

1953, c. 843; 1955, c. 800.

**Sec. 14.2. CREATION OF ADMINISTRATIVE AND JURISDICTIONAL UNITS AND DESIGNATION OF SUPERVISORY HEADS THEREOF IN SUCH COUNTIES.** In counties having one or more municipalities with a population in excess of 10,000 and in which a modern loose-leaf and visible registration system has been established as permitted by G. S. 163-43, with a full time and permanent registration as authorized by G. S. 163-31 and 163-31.2, the county board of elections may, by a resolution passed by a majority vote, divide said county into two or more administrative and jurisdictional units and specify by name the member of the county board of elections who shall serve in the capacity of supervising head of said specified unit of the county. Upon a certification of this resolution by the county board of elections to the State Board of Elections, the member of the county board of elections, specified as the administrative and supervisory head of such unit, shall thereafter possess all of the authority and powers and be charged with all of the duties with respect to the unit of the county so specified in said resolution as are now, or may hereafter be, specified



for chairmen of county boards of elections. Such division of a county into units for administrative supervision and authority shall be subject to immediate revocation at any time by the county board of elections upon a resolution passed by a majority vote and filed with the State Board of Elections. Whenever a county board of elections has divided a county into administrative and supervisory units under the provisions of this section, it is authorized to divide the registration and other records as they pertain to the administrative and supervisory units created, and to maintain separate offices in each of the administrative and supervisory units created. The creation of such administrative units and designation of supervisory heads shall be in addition to the general powers and authority of the officers of the county board of elections and shall not be a limitation thereof.

1953, c. 843; 1955, c. 800.

**Sec. 14.3. POWER OF BOARDS OF ELECTIONS IN SUCH COUNTIES TO AUTHORIZE AND PUBLISH UNOFFICIAL REPORTS OF ELECTIONS.** In counties having one or more municipalities with a population in excess of 10,000 and in which a loose-leaf and visible registration system has been established as permitted by G. S. 163-43 with a full time and permanent registration as authorized by G. S. 163-31 and 163-31.2, the county board of elections is authorized to require each registrar, immediately following the counting of ballots in any primary or general election, to report the same personally, by telephone or otherwise to the county board of elections, the report to be unofficial and to have no binding effect upon the official county canvass to follow thereafter. The county board of elections is authorized to publish the reports so received from the registrars to the press and to radio and television stations in such manner and upon such terms and conditions as it may think proper. The method and manner of receiving such precinct reports from the registrars and the publication of the same, as aforesaid, shall be by and with the consent and approval of the board of county commissioners. The expense thereof shall be fixed in the discretion of the county board of elections by and with the consent and approval of the county commissioners.

1953, c. 843; 1955, c. 800.



## ART. 5. PRECINCT ELECTION OFFICERS AND ELECTION PRECINCTS

**Sec. 15. APPOINTMENT OF REGISTRARS AND JUDGES OF ELECTIONS; QUALIFICATIONS; SPECIAL REGISTRATION COMMISSIONERS IN CERTAIN COUNTIES.** The County Boards of Elections, at the first meeting herein provided to be held on the Seventh Saturday before each primary election, shall select one person of good repute who shall act as Registrar and two other persons of good repute who shall act as Judges of Election for each election precinct in the respective counties for both the ensuing primary and general election, whose terms of office shall continue for two years from the time of their appointment, or until their successors are appointed and qualified, and who shall conduct the primaries and elections within their respective precincts. Each Registrar and Judge of Election so appointed shall be able to read and write and they shall be residents of the precincts for which they are appointed. The Chairman of each political party in each county shall have the right to recommend from three to five electors in each precinct, who are residents of the precinct, and who shall be of good moral character and able to read and write, for appointment as Registrar and for Judges of Election in each precinct, and such appointments may be made from such names so recommended: *Provided*, such recommendations are made by the seventh Saturday before each primary election: *Provided, further*, that in any primary, when only one political party participates in such primary then all of the precinct officials selected for holding such primary shall be chosen only from such political party so participating. In a primary where more than one political party participates, and in the general election, not more than one Judge of Election in each precinct shall be of the same political party with that of the Registrar. No person holding any office or place of trust or profit under the government of the United States, or of the State of North Carolina, or any political subdivision thereof, shall be eligible to appointment as an election official: *Provided* that nothing herein contained shall extend to officers in the militia, notaries public, justices of the peace, commissioners of public charities, or commissioners for special purposes. No person who is a candidate shall be eligible to serve as a Registrar or Judge or assistant.

*Provided* that in counties having one or more municipalities with a population in excess of 10,000 and in which a modern loose-leaf and visible registration system has been established as permitted by G. S. 163-43 with a full time and permanent registration as authorized by G. S. 163-31 and 163-31.2, the county board of elections may at such time select such additional persons of good repute as may be deemed necessary who shall act as special registration commissioners, who shall serve for two years at the will of the board of elections, and whose authority may be terminated at any time without cause. Such special registration commissioners shall take the oath required of regular registrars and shall thereafter be qualified and have the authority to receive applications and administer oaths for registration but shall have no powers or duties relative to the holding of any primary or general election. All registrations executed and sworn to before special registration commissioners shall be official registrations only when received and approved by the county board of elections, which, acting through its officers, shall have the power to register electors to the extent only of reviewing, processing, rejecting or completing applications received by it from the special registration commissioners. Such special registration commissioners shall be selected upon nomination in the same manner as that provided for nomination of regular registrars. All registrars shall have the authority to register any qualified citizen within such county, and all special registration commissioners shall have the authority to receive applications and to administer oaths for registration, at any time or place within such county, regardless of the precinct residence of the registrar, the special registration commissioner, or of the citizen applying for registration: *Provided*, however, that the county boards of elections in



any county covered by this paragraph shall have power to limit the authority of registrars to their own precincts, wards, or election districts and to limit the areas over which any special registration commissioners may exercise authority to receive applications and administer oaths for registration.

The Registrars, Judges and assistants shall, before entering upon their duties, have the oath of office administered to them by some officer authorized to administer oaths.

1901, c. 89, s. 8; 1933, c. 165, s. 3; 1947, c. 505, s. 2; 1953, c. 1191, s. 3; 1953, c. 843; 1953, c. 1191, s. 3; 1955, c. 800; 1957, c. 784, s. 1.

**Sec. 16. NAMES OF PRECINCT OFFICERS PUBLISHED BY BOARD.**

The County Board of Elections shall, immediately after the appointment of the Registrars and Judges of Elections as herein provided, publish the names of the persons so appointed, at the courthouse door of said county, and shall notify each person appointed of his or her appointment, either by letter or by having a notice to be served upon said persons by the sheriff.

1901, c. 89, s. 16; 1923, c. 111, s. 2; 1933, c. 165, s. 3.

**Sec. 17. VACANCIES IN PRECINCT OFFICES; HOW FILLED.**

If any Registrar or Judge of Election shall fail to perform the duties of his office, and for that, or for any other cause be removed from office, or shall die or resign, or if there shall for any other cause be a vacancy in said office, the Chairman of the County Board of Elections may appoint another in his place, of the same political party, and have such person or persons notified of the appointment. If any person appointed Judge of Election shall fail to attend at the polls at the hour of opening the same, the Registrar of the township, ward or precinct shall appoint some suitable elector of the same political party as the Judge failing to attend, if practicable, to act in his stead, who shall be by him sworn before acting. If the Registrar shall fail to appear at the polls, then the Judges of Election may appoint another to act as Registrar, who shall be sworn before acting.

1901, c. 89, s. 9; 1933, c. 165, s. 3.

**Sec. 18. REMOVAL OF PRECINCT OFFICERS, REASONS FOR.**

The County Board of Elections shall have power to remove any Registrar or Judge of Elections appointed by it for incompetency, failure to discharge the duties of office, failure to qualify within the time prescribed by law, fraud or for any other satisfactory cause.

1901, c. 89, s. 10; 1933, c. 165, s. 3.

**Sec. 19. COMPENSATION FOR CERTAIN DUTIES RELATING TO ELECTIONS.**

The registrar shall receive three cents for each name registered in the new registration when ordered, and thereafter in the revision of the registration book he shall receive one cent for each name copied from the original registration book: Provided that in addition to the compensation hereinbefore allowed the registrar, it shall be lawful for the county commissioners to pay to the registrar such additional compensation as may be by them considered just and fair. The registrar or judge of election who shall act as returning officer shall be allowed three dollars, to be payable out of the county treasury.

Each sheriff shall receive thirty cents for each notice he is required to serve under the law provided for holding elections. The compensation allowed officers shall be paid by the county treasurer after being audited by the board of county commissioners.

Clerks and registers of deeds shall also be allowed the usual registration fees for recording the election returns, to be paid by the county.

1901, c. 89, ss. 11, 62; 1905, c. 434; 1907, c. 760; 1919, c. 61.

**Sec. 20. COMPENSATION OF PRECINCT OFFICERS.**

Judges of Elections and assistants shall each receive for their services on the day of a primary or election the sum of ten dollars. The Registrar shall receive the sum of fifteen dollars per day for his services on the day of a primary



or election, and shall also receive the sum of fifteen dollars per day for each Saturday during the period of registration that he attends at the polling place for the purpose of registering voters. Any person sworn in to act as Registrar or Judge of Election shall receive the same compensation as the Registrar and Judge. *Provided*, that markers appointed for assisting voters in marking their ballots shall not receive any compensation therefor: *Provided, further*, that the registrars and judges of elections shall receive the same compensation for attending any meeting called by the chairman of the county board of elections relating to their duties in any primary or election. *Provided*, that the board of commissioners of any county may provide for additional compensation for such precinct election officials.

1901, c. 89, s. 42; 1927, c. 260, s. 2; 1931, c. 254, s. 16; 1933, c. 165, s. 3; 1935, c. 421, s. 1; 1939, c. 264, s. 1; 1941, c. 304, s. 1; 1945, c. 758, s. 3; 1947, c. 505, s. 11; 1951, c. 1009, s. 1; 1957, c. 182, s. 2.

**Sec. 20.1. COMPENSATION OF PRECINCT OFFICERS AND PERSONNEL IN CERTAIN COUNTIES.** In counties having one or more municipalities with a population in excess of 10,000 and in which a modern loose-leaf and visible registration system has been established as permitted by G. S. 163-43, with a full time and permanent registration as authorized by G. S. 163-31 and 163-31.2, the registrars shall receive for their registration services such compensation as shall be fixed in the discretion of the county board of elections, by and with the consent and approval of the board of county commissioners of the county, and the registrars, judges of election, assistants, clerks, ballot counters, and other precinct election personnel shall be paid such compensation for the performance of their duties as shall be fixed in the discretion of the county board of elections, by and with the consent and approval of the board of county commissioners of the county.

1953, c. 843; 1955, c. 800.

**Sec. 21. DUTIES OF REGISTRARS AND JUDGES OF ELECTION.** The Registrars and Judges of Election shall perform such duties as are provided by law, which duties shall consist of:

1. The fair and impartial conduct of the primaries and elections within their respective precincts on the day of election.
2. The enforcement of peace and good order in and about the place of registration and voting. They shall especially keep the place of access of the electors to the polling place open and unobstructed, prevent and stop improper practices or attempts to obstruct, intimidate or interfere with any elector in registering or voting. They shall protect challengers and witnesses against molestation and violence in the performance of their duties, and may eject from the polling place any such challenger or witness for violation of any provisions of the election laws. They shall prevent riots, violence, tumult or disorder. In the discharge of these duties they may call upon the sheriff, police, or other peace officers to aid them in enforcing the law. They may order the arrest of any person violating any provision of the election law, but such arrest shall not prevent such person from registering or voting if he is entitled to do so. The sheriff, all constables, police officers and other officers of the peace, shall immediately obey and aid in the enforcement of any lawful order made by the precinct election officials in the enforcement of the election laws. The Registrar and Judges of Election of any precinct, or any two of such election officials, shall have the authority to deputize any person or persons as police officers to aid in maintaining order at a voting precinct.
3. The Registrar shall have in his charge the actual registration of voters within his precinct and shall attend the polling place on the days required for the registration of new voters and for hearing challenges, but in the performance of these duties the Registrar shall be subject to the observance of such reasonable rules and regulations as the County Board of Elections may prescribe not inconsistent with the law.



4. The Registrar shall have charge of the registration book on the day of election or primary for passing on the registration of voters who present themselves at the polls for the purpose of voting.
5. One of the judges of election shall keep a poll book in which shall be entered the name of every person who shall vote in the primary or election. The poll and registration books shall be signed by the Registrar and Judges of Election at the close of any primary or election and filed with the Chairman of the County Board of Elections.
6. The Registrars and Judges shall hear challenges on the right of electors to vote as provided by law.
7. The Registrars and Judges shall count the votes cast in their precinct and make such return of same as is required by law.
8. The precinct officers shall make such an accounting to the Chairman of the County Board of Elections for ballots and for election supplies as required by law.

1901, c. 89, s. 41; 1933, c. 165, s. 3; 1939, c. 263, s. 3½; 1947, c. 505, s. 3.

**Sec. 22. ELECTION PRECINCTS ESTABLISHED OR ALTERED.** The County Boards of Elections may, in their respective counties, adopt the present election precincts, or they may establish new precincts, but the election precincts and polling places as now fixed in each county shall remain as they now are until altered. In the case of the alteration of the election precincts or polling places therein, they shall give twenty days' notice thereof, prior to the beginning of the registration period, in some public journal, or in lieu thereof, in three public places in such county, and at the courthouse door. And the County Board of Elections shall have power from time to time, after dividing their counties into election precincts, to establish, alter, discontinue, or create such new election precincts in their respective counties as they may deem expedient, giving twenty days' notice thereof, prior to the beginning of registration period, by advertising in some public journal, or in lieu thereof, in three public places in such county, and at the courthouse door. If any polling place is changed in any precinct, like advertisement of such change shall be given. And there shall be at least one polling place in every township, conveniently located for a majority of the voters.

1913, c. 53; 1921, c. 180; 1933, c. 165, s. 3.

**Sec. 23. NEW REGISTRATION OF VOTERS OR REVISION OF REGISTRATION BOOKS; HOW MADE.** The County Board of Elections shall have power from time to time to order a revision of the registration book of any precinct in any township and to order a new registration for any precinct; and if and when a new registration is ordered, notice shall be given as hereinbefore provided for the alteration of an election precinct or polling place: *Provided, however*, when a new registration or revision is ordered as herein provided for, the names of all persons who have been registered under the absentee voters' law shall remain upon the registration books unless the said persons so registered have died or otherwise become disqualified electors. The several County Boards of Elections shall have power to revise the registration books of any precinct and may require them to be purged of illegal or disqualified voters, after notice to such voters as herein directed. When an order for revision is made by said County Board of Elections, it shall be directed to the Registrar and Judges of Election of the precinct to which it relates, directing said officials to meet at the polling place on the first Saturday for the registration of voters, before any primary or general election, and to prepare from the registration books a list of the names of registered voters, with their names and addresses as appearing on the registration books, who are, in the opinion of said precinct officials, dead or disqualified by removal from said precinct or county for the length of time prescribed by law to be disqualified to vote in that particular precinct. When such list



is prepared, it shall, within forty-eight hours, be delivered to the Chairman of the County Board of Elections, who shall cause to be mailed to each of the names on said list, at his or her address as shown on said list, a notice requiring such person to appear at the polling place for the precinct in which they are registered, on the Saturday prescribed for hearing challenges, and show that they are legally entitled to vote in that particular precinct, or in lieu of a personal appearance at the precinct on the day named for hearing challenges, such person may furnish such satisfactory evidence by mail or otherwise, that he or she is qualified to vote in said precinct. Upon failure of such person to make such personal appearance on challenge day, or upon failure of such person to offer satisfactory evidence that he or she is qualified and entitled to vote in said precinct in the approaching primary or general election, their names shall be stricken off the registration book. After due investigation, such precinct officers shall strike from the registration book the names of all such persons found by them to be dead or disqualified to vote by removal from the precinct for such time as prescribed by law shall disqualify them from voting in such precinct.

However, in the event that any person, whose name has been removed from the registration book by said County Board of Elections as having been disqualified to vote in that precinct, should appear at the polling place on election day and give satisfactory evidence to the Registrar and Judges that he had never received any notice by mail or otherwise of his name being placed among the list of disqualified voters in that precinct, and can satisfy said officials that he is qualified to vote in that precinct, then such person's name shall be placed back on the registration book and he shall be allowed to vote in said precinct as before.

1905. c. 510; 1909, c. 894; 1921, c. 181, s. 3; 1933. c. 165, s. 3.



## ART. 6. QUALIFICATIONS OF VOTERS

### Sec. 24. PERSONS EXCLUDED FROM ELECTORAL FRANCHISE.

The following classes of persons shall not be allowed to register or vote in this State, to-wit: First, persons under twenty-one years of age; second, idiots and lunatics; third, persons who have been convicted or confessed their guilt in open court, upon indictment, of any crime the punishment of which is now or may hereafter be imprisonment in the State's Prison, unless such person shall have been restored to citizenship in the manner prescribed by law.

1901, c. 89. s. 14.

### Sec. 25. QUALIFICATIONS OF ELECTORS; RESIDENCE DEFINED.

Subject to the exceptions contained in the preceding section, every person born in the United States and every person who has been naturalized, and who shall have resided in the State of North Carolina for one year and in the precinct, ward, or other election district in which he offers to vote, thirty days next preceding the election shall, if otherwise qualified as prescribed in this chapter, be a qualified elector in the precinct, or ward, or township, in which he resides: *Provided*, that removal from one precinct ward, or other election district to another in this State shall not operate to deprive any person of the right to vote in the precinct, ward, or other election district from which such person has removed until thirty days after such removal.

All Registrars and Judges of Elections, in determining the residence of a person offering to register or vote, shall be governed by the following rules, so far as they may apply:

- a. That place shall be considered the residence of a person in which his habitation is fixed, and to which, whenever he is absent, he has the intention of returning.
- b. A person shall not be considered to have lost his residence who leaves his home and goes into another State or County of this State, for temporary purposes only, with the intention of returning.
- c. A person shall not be considered to have gained a residence in any county of this State, into which he comes for temporary purposes only, without the intention of making such county his permanent place of abode.
- d. The place where the family of a married man or woman resides shall be considered and held to be his or her place of residence; except that where the husband and wife have separated and live apart, the place where he or she resides the length of time required by the provisions of this article to entitle a person to vote, shall be considered and held to be his or her residence.
- e. If a person remove to another State or County within this State, with the intention of making such State or county his permanent residence, he shall be considered to have lost his residence in the State or county from which he has removed.
- f. If a person remove to another State or county within this State, with the intention of remaining there an indefinite time and making such State or county his place of residence, he shall be considered to have lost his place of residence in this State or county from which he has removed, notwithstanding, he may entertain an intention to return at some future time.
- g. School teachers who remove to a county for the purpose only of teaching in the schools of that county temporarily and with the intention or expectation of returning to the county of their parents or other rela-



tives during the vacation period to live, and who do not have the intention of becoming residents of the county in which they have moved to teach, shall be considered residents of that county of their parents or other relatives for the purpose of voting.

- h. If a person remove to the District of Columbia, or other Federal territory, to engage in the government service, he shall not be considered to have lost his residence in this State during the period of such service, and the place where such person resided at the time of his removal shall be considered and held to be his place of residence. This rule shall also apply to employees of the State Government who remove from one county to another within the State, unless a contrary intention is shown by such employee.
- i. If a person goes into another State or county, and while there exercises the right of a citizen by voting in an election, he shall be considered to have lost his residence in this State or county.
- j. All questions of the right to vote shall, except as otherwise provided herein, be heard and determined by the Registrar and Judges of Election in the precinct where the question arose.

1901, c. 89, s. 15; 19th Amendment, U.S. Const.; Amend. State Const. 1920; 1920 Ex. Sess. C. 18, s. 1; 1933, c. 165, s. 4; 1955, c. 871, s. 2.

**Sec. 26. RESIDENCE OF WOMEN.** For the purpose of the registration and voting of women, the residence of a married woman living with her husband shall be where her husband resides, and of a woman living separate and apart from her husband, or where for any reason her husband has no legal address in this State, then the residence of such woman shall be where she actually resides.

1920 (ex. Sess.). c. 18, s.3.

**Sec. 27. REGISTRATION A PREREQUISITE.** Only such persons as are registered shall be entitled to vote in any election held under this chapter.

1901, c. 89, s. 12.

**Sec. 28. VOTER MUST BE ABLE TO READ AND WRITE; REGISTRARS TO ADMINISTER PROVISIONS.** Every person presenting himself for registration shall be able to read and write any section of the Constitution of North Carolina in the English language. It shall be the duty of each registrar to administer the provisions of this section.

**Sec. 28.1. APPEALS FROM REGISTRAR TO COUNTY BOARD OF ELECTIONS.** Any person who is denied registration for any reason may appeal the decision of the registrar to the county board of elections of the county in which the precinct is located. Notice of appeal shall be filed with the registrar who denied registration, on the day of denial or by 5:00 p. m. on the day following the day of denial. The notice of appeal shall be in writing, signed by the appealing party, and shall set forth the name, age and address of the appealing party, and shall state the reasons for appeal.

**Sec. 28.2. REGISTRAR TO FILE NOTICE OF APPEAL TO COUNTY BOARD OF ELECTIONS.** Every registrar receiving a notice of appeal shall promptly file such notice with the county board of elections, and every person appealing to the county board of elections shall be entitled to a prompt and fair hearing on the question of such person's right and qualifications to register as a voter. A majority of the county board of elections shall be a quorum for the purpose of hearing appeals on the question of registration, and the decision of a majority of the members of the board shall be the decision of the board. All cases on appeal to a county board of elections shall be heard *de novo*, and the board is authorized to subpoena witnesses and to compel their attendance and testimony under oath, and is further authorized to subpoena papers and documents relevant to any mat-



ter pending before the board. If at the hearing the board shall find that the person appealing from the decision of the registrar is able to read and write any section of the Constitution of North Carolina in the English language and if the board further finds that such person meets all other requirements of law for registration as a voter in the precinct to which application is made, the board shall enter an order directing that such person be registered as a voter in the precinct from which the appeal was taken. The county board of elections shall not be authorized to order registration in any precinct other than the one from which an appeal has been taken. Each appealing party shall be notified of the board's decision in his case not later than ten (10) days after the hearing before the board.

**Sec. 28.3. APPEALS FROM COUNTY BOARD OF ELECTIONS TO SUPERIOR COURT.** Any person aggrieved by a final order of a county board of elections may at any time within ten (10) days from the date of such order appeal therefrom to the Superior Court of the county in which the board is located. Upon such appeal, the appealing party shall be the plaintiff and the county board of elections shall be the defendant, and the matter shall be heard *de novo* in the superior court in the same manner as other civil actions are tried and disposed of therein. If the decision of the court be that the order of the county board of elections shall be set aside, then the court shall enter its order so providing and adjudging that such person is entitled to be registered as a qualified voter in the precinct to which application was originally made, and in such case the name of such person shall be entered on the registration books of that precinct. The court shall not be authorized to order the registration of any person in a precinct to which the application was not made prior to the proceeding in court. From the judgment of the Superior Court an appeal may be taken to the Supreme Court in the same manner as other appeals are taken from judgments of such court in civil actions.

1901, c. 89, s. 12; 1927, c. 260, s. 3; 1957, c. 287.



## ART. 7. REGISTRATION OF VOTERS

**Sec. 29. QUALIFICATION AS TO RESIDENCE FOR VOTERS; OATH TO BE TAKEN; CERTIFICATE OF REMOVAL.** In all cases the applicant for registration shall be sworn before being registered, and shall state as accurately as possible his name, age, place of birth, place of residence, stating ward if he resides in an incorporated town or city; and any other questions which may be material upon the question of identity and qualification of the said applicant to be admitted to registration. If the applicant for registration has removed from another precinct, ward or election district in the same city, town or township since his or her last registration, such applicant shall, before being allowed to register, fill out and sign a printed transfer certificate, furnished to the registrars by the Chairman of the County Board of Elections prior to the opening of the registration period, notifying the registrar of the precinct from which the applicant has removed of the removal of said applicant from the former precinct and authorizing the said registrar to remove his or her name from the old precinct registration book. The transfer certificate shall be in substantially the following form:

To the Registrar of.....precinct.....County.

I hereby certify that I have removed my residence from.....voting precinct, where I was a registered elector, to ..... voting precinct within the same city, town or township, and I have this day applied for registration before the undersigned Registrar of this precinct where I now reside, and I hereby authorize you to remove my name from your registration book as I am no longer qualified to vote in your precinct.

Signed this.....day of ....., 19.....

.....  
Signature of Applicant

Witness :

.....Registrar  
.....Precinct  
.....Address

It shall be the duty of the registrar to sign said certificate as a witness to the applicant's signature, and immediately after the close of the registration period the registrar shall mail all of such certificates so filled out to the Chairman of the County Board of Elections. Upon the receipt of such certificates from the registrars, it shall be the duty of the Chairman of the County Board of Elections to mail immediately such certificates to the respective registrars of the precincts from which the applicants have removed, and upon receipt of same the registrars shall cancel the registration of such applicants on the books. The registrar, if in doubt as to the right of the applicant to register, may require other evidence satisfactory to him as to the qualification of the applicant. And thereupon, if the applicant shall be found to be duly qualified and entitled to be registered as an elector, the registrar shall register the applicant, giving his race opposite his name, and shall record his name, age, residence, place of birth, and the township, county, or state from whence he has removed, in the event of a removal, in the appropriate column of the registration books, and the registration books containing the said record shall be evidence against the applicant in any court of law in a proceeding for false or fraudulent registration. Every person qualified as an elector shall take the following oath:

I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of North Carolina not inconsistent therewith; that I have been a resident of the State of North Carolina for one year, and of the..... township (precinct or ward) for thirty days; or that I was a resident of..... township (ward or precinct) on the .....day of.....(being thirty days preceding the election) and removed therefrom to..... township (ward or precinct) where I have since resided; that I am twenty-one years of age; that I have not registered for this election in any other ward or precinct or township. So help me, God.



And thereupon the said person, if otherwise qualified, shall be entitled to register.

Provided that in counties having one or more municipalities, with a population in excess of 10,000 and in which a modern loose-leaf and visible registration system has been established as permitted by G. S. 163-43, with a full time and permanent registration as authorized by G. S. 161-31 and 163-31.2, no registered voter shall be required to re-register upon moving from one precinct, ward or election district to another precinct, ward or election district in the same county, and in lieu thereof such removing elector shall file with the county board of elections, or with any registrar, or with any special registration commissioner, an affidavit setting forth the former residence, the new residence, the date of removal to the new residence, and further setting forth that all other qualifications to register and vote still exist as of the time of the former registration, upon such form as shall be prescribed by the county board of elections, and thereupon the county board of elections, if the facts of such affidavit are found to be true, shall immediately transfer the registration of such citizen to the precinct, ward, or election district of the new residence of such person, and thereafter such person shall be considered registered and qualified to vote in the precinct, ward, or election district of the new residence; provided, however, that such affidavit requesting transfer shall be made not less than 21 days prior to a primary or general election; provided, further, that the county boards of elections shall have authority to require the elector removing from one precinct, ward, or election district to another precinct, ward, or election district in the same county to file the above-mentioned affidavit with the registrar of the precinct, ward, or election district to which the elector has moved, with the registration commissioner authorized by the said board to receive such affidavit, or with the county board of elections.

1901, c. 89, s. 12; Ex. Sess. 1920, c. 93; 1933, c. 165, s. 5; 1951, c. 984, s. 1; 1953, c. 843; 1955, c. 800; 1957, c. 784, s. 2.

**Sec. 30. WHEN PERSON CAN REGISTER ON ELECTION DAY.** No registration shall be allowed on the day of election, but if any person shall give satisfactory evidence to the registrar and judges of election that he has become qualified to register and vote after the time for registration has expired, he shall be allowed to register on that date.

1901, c. 89, s. 21.

**Sec. 31. TIME WHEN REGISTRATION BOOKS SHALL BE OPENED AND CLOSED; OATH AND DUTY OF REGISTRAR; DESTROYED OR MUTILATED BOOKS; NEW REGISTRATION; REGISTRATION IN CERTAIN COUNTIES.** The registration books shall be opened for the registration of voters at nine o'clock a. m. on the fourth Saturday before each election; Provided, that where a new county-wide registration is ordered to be held in a county, the registration books in such county shall be opened for the registration of voters at nine o'clock a. m. on the fifth Saturday before such election. The said books shall be closed at sunset on the second Saturday before each election. Every registrar, before entering upon the discharge of the duties of his office, shall take an oath before a justice of the peace or some other person authorized to administer oaths, that he will support the Constitution of the United States and the Constitution of North Carolina not inconsistent therewith, and that he will honestly and impartially discharge his duties as registrar, and honestly and fairly conduct such election. The registrar of each township, ward or precinct shall be furnished with a registration book prepared as hereinbefore provided, and it shall be his duty, between the hours of nine o'clock a. m. and sunset on each day during the period when registration books are open, to keep open said books for the registration of any voters residing within such township, ward or precinct, and entitled to registration. On each Saturday during the period of registration the registrar shall attend with his registration books at the polling place of his precinct or ward, between the hours of nine o'clock a. m. and sunset, for the registration of voters.



Provided that in counties having one or more municipalities with a population in excess of 10,000 and in which a modern loose-leaf and visible registration system has been established as permitted by G. S. 163-43, the registration books, process, or records shall be open continuously for the registration of voters or the acceptance of registration applications at all reasonable hours and times at the home of the registrar or the special registration commissioner or wherever the registrar or special registration commissioner may be within the county, and such registrars may register all qualified citizens of the county, and the special registration commissioners may take the registration application and administer the oath without regard to the precinct residence of the registrar, the special commissioner, or of the citizen applying for registration: Provided, however, that the county board of elections in any county covered by this paragraph shall have power to limit the authority of registrars to register persons to their own precincts, wards, or election districts and to limit the areas over which any special registration commissioners may exercise authority to receive applications and administer oaths for registration. The county board of elections in such counties is authorized and empowered to make reasonable rules and regulations to insure such full time registration, including provisions for an immediate delivery of all registrations by the registrars, and the delivery of all applications and oaths by the special registration commissioners to the county board of elections. No person shall be registered to vote without first making a written, sworn and signed application therefor, setting forth the qualifications for registration upon such form as may be approved and adopted by the county board of elections. Registrars in such counties shall attend the polling places only on such days and at such hours as may be fixed in the discretion of the county board of elections; provided that no such attendance by the registrars at the polling places shall fall on a day less than 21 days prior to a primary election or a general or special election; and provided, further, that a county board of elections may, in its discretion, require no attendance at the polling places for registering voters, if approved by the county commissioners.

In the event that the registration books for any township, ward or precinct shall, prior to thirty days preceding any primary, general or special election, be destroyed from fire or other cause or shall become mutilated to the extent that such books can no longer be used, new registration books shall be provided for the registration of voters in such township, ward or precinct and such new registration books shall be opened for the registration of voters at the times and places and in the manner prescribed by this Section. Such new registration books may thereafter be used in such township, ward or precinct for all general, primary or special elections, including municipal elections. Notice of such new registration shall be given by advertisement in a newspaper published in the municipality or county in which such township, ward or precinct is located at least ten days before the opening of the new registration books and such notice shall also state the location of the polling place and the name of the registrar for such township, ward or precinct. When a special registration is held under this Act the Saturday for challenge day may be combined with the last Saturday for registration, so that voters may be registered on challenge day when time does not permit an extra Saturday for challenge day prior to any primary or election.

1901, c. 89, s. 18; 1923, c. 111, s. 3; 1933, c. 165, s. 5; 1947, c. 475, s. 1; 1953, c. 843; 1955, c. 800; 1957, c. 784, s. 3; 1961, c. 382.

**Sec. 31.1. WHEN REGISTRATION A QUALIFICATION TO VOTE IN CERTAIN COUNTIES HAVING LOOSE-LEAF AND VISIBLE REGISTRATION SYSTEM.** In counties having one or more municipalities, with a population in excess of 10,000 and in which a modern loose-leaf and visible registration system has been established as permitted by G. S. 163-43, with a full time and permanent registration as authorized by G. S. 163-31 and 163-31.2, no registration shall be a qualification to vote in a particular primary election or general election, unless the same shall have been made by



the elector not less than 21 days next preceding the primary election or general election to be held.

1953, c. 843; 1955, c. 800; 1957, c. 784, s. 4.

**Sec. 31.2. PERMANENT REGISTRATION IN SUCH COUNTIES.** In counties having one or more municipalities, with a population in excess of 10,000 and in which a modern loose-leaf and visible registration system has been established as permitted by G. S. 163-43, with a full time registration as authorized by G. S. 163-31, such registration shall be a permanent public record of registration and qualification to vote, and the same shall not thereafter be cancelled and a new registration ordered, either by precinct or countywide, unless such registration has been lost or destroyed by theft, fire or other hazard. In the event of any division of precincts or change in boundaries the county board of elections shall not cancel the existing registration or order a new registration, but said county board of elections shall immediately correct the existing precinct registration to conform to such division or change. To the end that such permanent registration shall be purged of those registered electors who have died or who have become unqualified to vote since registration, the register of deeds of such county shall immediately furnish to the county board of elections a certification of all death certificates recorded in his office and, upon receipt thereof the county board of elections shall cause the name of any person appearing upon such certification of death to be removed from the registration books or permanent records of registration of such county; and, in addition, the county board of elections of such county is authorized to remove from the registration books or permanent records of registration the names of all persons who have failed to vote, according to the poll or other record of voting of such county board of elections, for a period of six years. Nothing herein shall prohibit the county board of elections from restoring the names of persons whose names have been removed from the registration books or permanent records of registration, upon proof that such person is not dead or that such person has voted within the county within said six year period. And nothing herein shall prohibit a person whose name has been removed from the registration book, or permanent registration record of such county, for failure to vote for six consecutive years, from re-registering in the manner provided by law. Prior to the removal of the name of any person from the registration books or permanent records of registration for failure to vote, as hereinbefore authorized, the county board of elections shall cause to be mailed to such person, at the address shown by the registration books or permanent records of registration, notice to show cause, and such registration shall not be removed, if such person shall appear and show that such qualifications still exist.

1953, c. 843; 1955, c. 800.

**Sec. 31.3. USE OF COUNTY REGISTRATION BOOKS BY CITIES, TOWNS AND MUNICIPALITIES.** That any city, town or municipal corporation be and the same is hereby authorized and empowered to use, in its discretion and upon such terms and conditions as may be mutually agreed upon by the governing board of commissioners of the county in which such city, town or municipal corporation is located, the registration books, process or records of such county for the registration of voters or the acceptance of registration applications, and in such event the provisions of law which are applicable to the registration of voters in such county shall apply to such city, town or municipal corporation for the purpose of any primary, general or special election.

All elections heretofore held or ordered to be held by any city, town or municipal corporation in which the registration books, process or records of the county in which the city, town or municipal corporation is located were used or ordered to be used and the same are hereby in all respects ratified, validated and confirmed.

1955, c. 763.



**ART. 8. PERMANENT REGISTRATION**

**Sec. 32. PERSONS ENTITLED TO PERMANENT REGISTRATION.**

**Sec. 33. OATHS ADMINISTERED; NAMES RECORDED.**

**Sec. 34. REGISTRAR TO RETURN LIST TO CLERK OF COURT; RECORD.**

**Sec. 35. CLERKS TO CERTIFY LIST TO SECRETARY OF STATE.**

**Sec. 36. HOW PERMANENT ROLL PREPARED AND CERTIFIED; CERTIFIED COPIES FROM ROLL.**

**Sec. 37. WHEN COPY OF ROLL OBTAINABLE BY CLERK FROM SECRETARY OF STATE.**

**Sec. 38. COPY OF, OR CERTIFICATE FROM ROLL EVIDENCE OF VOTER'S RIGHT.**

**Sec. 39. REGISTRATION OF VOTERS REMOVING RESIDENCE.**

**Sec. 40. EDUCATIONAL QUALIFICATIONS NOT APPLICABLE TO PERMANENT REGISTRANTS.**

**Sec. 41. STATE BOARD OF ELECTIONS FURNISHES NECESSARY BLANKS.**

**Sec. 42. BOOKS CONSTITUTE ROLL IN SECRETARY OF STATE'S OFFICE.**



## ART. 9. NEW STATE-WIDE REGISTRATION SYSTEM

**Sec. 43. STATEWIDE REVISION OF REGISTRATION BOOKS AND RELISTING OF VOTERS IN ONE GENERAL REGISTRATION BOOK.** Prior to the next state-wide primary election of 1950 there shall be a revision made of the registration books and a relisting of the registered voters into one new general registration book for each and every precinct in the state in the manner hereinafter provided. The State Board of Elections shall, as soon as possible after the passage of this Act, meet and adopt a new form of a general registration book to be substituted for the separate party primary registration books and the general election registration book now used in each voting precinct in this state, which new general registration book shall be the only kind of registration book to be used hereafter in each precinct in all primaries and general elections held in this State: *Provided*, any county board of elections, by and with the approval of a majority of the board of county commissioners, shall have the authority to order and to install a modern loose-leaf registration book system in any one or all of the voting precincts of the county. The new general registration book shall be so prepared as to contain all of the information pertaining to a registered voter now required by law, except the new registration book shall also contain a column or space to enter the party affiliation of each registered voter. The new registration book shall also have printed on each page thereof a column index giving the first two letters of the surnames and the pages where such voters are registered so that a registrar can turn immediately to the page where a voter is registered and find the name.

The State board of Elections shall, through the State Department of Purchase and Contract, order the printing or purchase of a sufficient number of the said new general registration books to furnish one for each voting precinct in the state, the cost of which shall be paid for by the state out of the Contingency and Emergency Fund.

1949, c. 916, s. 1; 1961, c. 381.

**Sec. 43.1. PROCEDURE FOR REGISTRATION IN CERTAIN COUNTIES HAVING LOOSE-LEAF AND VISIBLE REGISTRATION SYSTEM.** In counties having one or more municipalities, with a population in excess of 10,000 and in which a modern loose-leaf and visible registration system has been established as permitted by G. S. 163-43, with a full time and permanent registration as authorized by G. S. 163-31 and 163-31.2, the registration shall be made and kept upon such form or forms as shall be prescribed by the county board of elections, shall contain all information necessary to show qualification to register and shall be signed and sworn to by the registering elector. If the registering elector cannot write because of physical disability, or if the elector cannot read and write and is qualified to register under Article VI, section 4 of the North Carolina Constitution and the acts of the General Assembly made pursuant thereto, then the name of such elector shall be signed by the registrar, or the special registration commissioner, but the specific reason for the failure of the elector to sign the registration certificate shall be clearly stated upon the face of the registration certificate. All original registration certificates shall be kept by the county board of elections in a safe place to be provided by the board of county commissioners of the county. An exact typewritten, mimeographed or printed duplicate or copy shall be made by the county board of elections of each original registration certificate, which duplicate shall be placed in the proper precinct registration book in lieu of the original. Such duplicates in the precinct registration books, properly certified by the county board of elections, shall be the official precinct registration books of the county for the purpose of holding all primaries, general elections and other elections whatsoever; provided, however, that the original registration certificates shall at all times be the official and sole evidence of registration and the county board of elections shall have the power to correct the duplicates in the precinct registration books to



conform to the original registration certificates at any time whatsoever, including the day of any primary or election.

1953, c. 843; 1955, c. 800.

**Sec. 44. STATE BOARD OF ELECTIONS TO DISTRIBUTE NEW REGISTRATION BOOKS AND INSTRUCT COUNTY ELECTION OFFICIALS.** As soon as the new general registration books have been printed the State Board of Elections shall furnish to the chairman of each county board of elections in this state a sufficient number of the new registration books to supply one for each voting precinct in each county. These books shall be distributed to the county election chairman in time for the names from the old primary and general election registration books to be transcribed to the new book prior to the 1950 registration period. The State Board of Elections shall also furnish written instructions to each county election chairman and to the various registrars as to their duties with respect to the use of the new general registration book system.

(1949, c. 916, s. 2.)

**Sec. 45. COUNTY ELECTION BOARD CHAIRMAN TO DELIVER NEW REGISTRATION BOOKS TO REGISTRARS AND INSTRUCT THEM ON ITS USE.** After the receipt of the new registration books by a chairman of a county election board from the State Board of Elections, the chairman shall call a meeting of all of the registrars in his county for the purpose of delivering said new books to his registrars and instructing the registrars as to their duties relative thereto. Each registrar shall be entitled to be paid compensation and travel expense by the county for attending this meeting.

(1949, c. 916, s. 3.)

**Sec. 46. HOW NEW GENERAL REGISTRATION BOOK IS TO BE USED BY REGISTRAR.** It shall be the duty of each registrar, after receiving his new general registration book from the chairman, to transcribe to the new general registration book in alphabetical order the names of all persons who are registered in the present party primary and general election registration books and shall indicate opposite the name of each registrant, in the column showing party affiliation, the political party affiliation of each such registrant as shown on the present party primary registration book, in which such person is now registered. In those cases where a person is now registered in the general election registration book and is not registered in a party primary registration book, no party affiliation will be placed opposite the name of such person when transcribed on the new book, but such person will not be permitted to vote in any party primary held thereafter unless or until such person declares his party affiliation to the registrar on the day of a party primary or registration period, and then only in the primary of such political party with which such person so declares his or her party affiliation and requests the registrar to record that party affiliation opposite his or her name on the new registration book.

It shall likewise be the duty of a registrar, when any person applies for new registration during the regular registration periods held hereafter prior to any primary or general election, to request the applicant to state his or her political party affiliation and record that party affiliation on the new book opposite the name. If such applicant refuses to declare his or her party affiliation upon request, then the registrar shall register such applicant's name, if found qualified to register, on the new registration book without indicating any party affiliation opposite the name, but the registrar shall then advise such person that he or she cannot vote in any party primary election but only in a general election held thereafter. If such applicant for registration states to the registrar that he or she is an independent, indicating affiliation with no political party, the registrar shall register such applicant as an independent, if found qualified to register, and shall likewise advise such person that he or she cannot vote in any



party primary election held thereafter as he or she does not affiliate with any political party. Provided, that in all cases where no party affiliation was recorded in the registration book opposite the name of any registered elector, but not including those registered as Independents, any such registered elector may on primary election day appear before his or her registrar and declare his or her party affiliation to the registrar, and the registrar shall, upon such elector's taking an oath to support in the next general election the nominees of the party with which he then declared his affiliation, record such declared party affiliation of such elector opposite the name of such elector on the registration book, and permit such elector to vote in the primary of such party as thus declared and recorded. Such recorded party affiliation on the registration book shall thereafter be permanent unless, or until, the same shall be changed by such elector in accordance with the provisions of section 163-50 of the General Statutes.

In transcribing the names of registrants from the old books to the new general registration book, the registrar shall not transcribe the names of any persons known to the registrar to be dead, or who have moved their permanent residence to another precinct, county or state; however, if any person whose name has been so removed from the books because of removal of residence should appear at the same polling place on election day and satisfy the registrar that he or she is entitled under the law to vote in that precinct, the registrar shall put such person's name back on the new book on election day and be permitted to vote there.

In lieu of a registrar transcribing the names of registrants from the old to the new general registration book, the county board of elections, in its discretion, may employ such clerks or assistants as it may desire to do the work.

Each registrar, or other persons, who transcribes the names of registrants from the old books to the new registration book shall be paid such compensation for same as the county board of commissioners may fix as proper.

1949, c. 916, s. 4; 1955, c. 871, s. 3.

**Sec. 47. NEW REGISTRATION IN DISCRETION OF COUNTY BOARD OF ELECTIONS.** In lieu of the procedure prescribed in this Act for the transcription of registrants from the present registration books to the new general registration book, any county board of elections may, in its discretion, order a new registration of the voters in any county or precincts, but in any new registration only the new general registration book shall be used in each precinct, and the party affiliation of the new registrants indicated thereon.

(1949, c. 916, s. 5.)

**Sec. 48. REGISTRATION AND POLL BOOKS TO BE RETURNED TO CHAIRMAN OF COUNTY ELECTION BOARD.** On the day of the county canvass of votes after a primary or an election, each registrar shall return the registration book and the poll book for his precinct to the chairman of the county board of elections. The registrars shall be responsible for the safekeeping of the registration and poll books while in their custody.

(1949, c. 916, s. 6.)

**Sec. 49. CHAIRMAN COUNTY BOARD OF ELECTIONS TO KEEP REGISTRATION BOOKS.** When not in use for a primary or an election, all of the registration books and poll books shall be in the custody and safekeeping of the chairman of the county board of elections. It shall be his duty to keep these books in a safe and secure place where they may not be tampered with, stolen or destroyed, and, if possible, they shall be kept in a fireproof vault. The chairman may, in his discretion, permit these books while in his custody to be inspected or copied, but only under his supervision.

(1949, c. 916, s. 7.)



**Sec. 49.1. CUSTODY, ETC., OF RECORDS OF REGISTRATION IN CERTAIN COUNTIES HAVING LOOSE-LEAF AND VISIBLE REGISTRATION SYSTEM.** In counties having one or more municipalities, with a population in excess of 10,000 and in which a modern loose-leaf and visible registration system has been established as permitted by G. S. 163-43, the registration books, registration certificates, indexes and other records of registration shall be and remain in the possession of the county board of elections, and such board of elections may, by a majority vote, direct the supervision and control of same, through such officers, secretaries and clerks as it may see fit to designate.

1953, c. 843; 1955, c. 800.

**Sec. 50. CHANGE OF PARTY AFFILIATION.** No registered elector shall be permitted to change his party affiliation for a primary or second primary after the close of the registration period. Any elector who desires to change his party affiliation for a primary from the registration book on which registered to that of another party shall, during the registration period only, go to the registrar of his precinct and request that such change be made on the general registration books. Before being permitted to change his party affiliation, for the purpose of participating in a primary election, however, such elector shall be required by the registrar to take the oath of party loyalty to the party to which he wishes now to affiliate, and the registrar shall thereupon administer to the said elector the following oath:

I, \_\_\_\_\_, do solemnly swear  
(or affirm) that I desire in good faith to change my party affiliation from  
the \_\_\_\_\_ party to the \_\_\_\_\_ party,

and that such change of affiliation be made on the party registration books, and I further solemnly swear (or affirm) that I will support the nominees of the party to which I am now changing my affiliation in the next election and the said party nominees thereafter until I shall, in good faith, change my party affiliation in the manner provided by law, so help me God.

If at any time the Chairman of the Board of Elections or the registrar of any precinct shall be satisfied that an error has been made in designating the party affiliation of any voter on the general registration books then and in all such events the Chairman of the County Board of Elections or the registrar, having the custody of the registration book may make the necessary correction upon the voter taking the oath of party loyalty in substance of the form set forth in this section.

Provided that in counties having one or more municipalities, with a population in excess of 10,000 and in which a modern loose-leaf and visible registration system has been established as permitted by G. S. 163-43, with a full time and permanent registration as authorized by G. S. 163-31 and 163-31.2, any elector who desires to change his party affiliation for a primary election from the registration book or records of registration on which registered to that of another party shall, not less than 21 days prior to such primary election, file with the county board of elections, or with any registrar, or with any special registration commissioner, an affidavit in the form of the oath hereinbefore set forth, and thereupon the county board of elections shall immediately change the party affiliation of such elector to conform to such affidavit, and thereafter such elector shall be considered registered and qualified to vote in the primary election of the new party designated by said affidavit: Provided, however, that the county board of elections shall have the authority to require the elector desiring to change his party affiliation in accordance with the provisions of this section to file the required affidavit with the registrar of the precinct, ward, or election district in which the elector is registered, or with the special registration commissioner authorized by the said Board to receive the said affidavit, or with the county board of elections.

1939, c. 263, s. 6; 1949, c. 916, s. 8; 1953, c. 843; 1955, c. 800; 1957, c. 784, s. 5.



**Sec. 51. WILLFUL VIOLATIONS MADE MISDEMEANOR.** Any Chairman of a County Board of Elections, or any registrar, who willfully and knowingly refuses or fails to comply with the provisions of this article with respect to his duties as herein specified shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine, imprisonment, or both, in the discretion of the court.

(1939, c. 263, s. 7; 1949, c. 916, s. 9.)

**Sec. 52. REMOVAL OF CHAIRMAN OF COUNTY BOARD FOR VIOLATIONS; APPOINTMENT OF SUCCESSOR.** The State Board of Elections shall have the authority to summarily remove any Chairman of a County Board of Elections who fails or refuses to comply with any of the duties placed upon him by the provisions of this article, and shall thereupon request the Chairman of the State Executive Committee to recommend a person to succeed the member removed from said County Board of Elections, which said person shall thereupon be appointed by the State Board of Elections as the Chairman of such County Board of Elections.

1939, c. 263, s. 8.



## ART. 10. ABSENTEE VOTING IN GENERAL ELECTIONS

**Sec. 53. REGISTRATION OF VOTERS EXPECTING TO BE ABSENT DURING REGISTRATION PERIOD.** Any citizen of the State, not duly registered, who may be qualified to vote under the Constitution and laws of this State, and who expects to be absent from the county in which he lives during the usual period provided for registration of voters, may be registered as herein provided. The State Board of elections shall furnish to the chairman of the county board of elections in each county a book for the registration of absent electors, which book shall contain separate columns for the name of elector, name of precinct in which elector resides, age, place of birth, race, and precinct in which elector last resided. It shall be the duty of the chairman of the board of elections in each county to register on said county registration book any qualified elector who presents himself for registration at any time other than the usual registration period, and who expects to be absent from the voting precinct in which he resides during the usual registration period, if found to be otherwise entitled to registration, in the same manner as now provided by law for the registration of voters before the precinct registrar in the usual registration period. The Chairman of the county board of elections shall, immediately after the appointment of a registrar, or registrars for any election to be held in his county, either legalized primary or general election, either for the county or for any political subdivision thereof, certify to the respective registrars in each of such precincts the names, age, and residence, place of birth, etc., of any electors registered on the said county registration book and thereby entitled to vote in such precinct; and it shall be the duty of the registrar in every such precinct to enter upon the regular registration book for such precinct the names of all such electors so certified to him by the chairman of the county board of elections, marking opposite the names of such electors the words "Registered before chairman county board of elections"; and electors so registered shall be entitled to vote in any election in such precinct in the same manner as if registered by the precinct registrar.

1917, c. 23, s. 2.

**Sec. 54. ABSENTEE VOTING IN GENERAL ELECTIONS.** Any qualified voter of the State who finds that he will be absent from the county in which he is entitled to vote during the day of the holding of any general election, or who by reason of sickness or other physical disability will be unable to travel from his home, or place of confinement, to the voting place in his precinct, may vote in any such general election, in the manner as hereinafter provided.

1939, c. 159, s. 1.

**Sec. 55. WRITTEN APPLICATION FOR OFFICIAL BALLOT.** Such voter, not more than thirty days, nor less than two days prior to the date of such general election shall make application, in person, by some member of his or her immediate family (husband and wife, brother and sister, parent and child only) or by mail, in writing, to the Chairman of the County Board of Elections of his county, for an official ballot to be voted in such general election. *Provided* that said two days minimum shall not apply to voters becoming unexpectedly physically disabled to attend the polls. *Provided further*, that the thirty days maximum specified in this section above shall not apply to a qualified registered voter who is in the military, naval or other armed forces of the United States, and an application for an absentee ballot from such member of the armed or naval force shall not be required to be made on the form herein prescribed but may be informally made in writing, by card or letter, signed by the voter and mailed direct to the chairman of the county board of elections of the county in which voter resides. *Provided further*, that the provisions of this section shall be in addition to and not exclusive of the method of applying for ballots hereinbefore provided for.



Such application shall be made on a blank to be furnished by the Chairman of the County Board of Elections and shall be substantially in the following form:

## APPLICATION FOR ABSENTEE VOTER'S BALLOT

I, \_\_\_\_\_, do hereby certify that I am a duly qualified voter in \_\_\_\_\_ precinct, \_\_\_\_\_ Township, in the County of \_\_\_\_\_, North Carolina, and that I am entitled to vote in the general election to be held therein on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_;

(a) That I will be absent from the county during the day of the election;

(b) That by reason of sickness, or other physical disability, I will be unable to travel from my home, or place of confinement, to the voting place in my precinct;

(Strike out whichever of (a) or (b) is inappropriate)

and I hereby make application for the official ballot, or ballots to be voted by me in such general election, and that I will return said ballot, or ballots, to the official issuing the same, before the date of said general election.

Dated \_\_\_\_\_

P. O. Address \_\_\_\_\_

(Signed) \_\_\_\_\_

Witness: \_\_\_\_\_

There shall be printed as part of the application a certificate to be executed by the Chairman of the County Board of Elections as follows:

## CERTIFICATE OF CHAIRMAN OF ELECTION BOARD

I, \_\_\_\_\_, Chairman of the County Board of Elections of \_\_\_\_\_ County, do hereby certify that the above application was received by me from \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, by personal delivery to me by the voter or by a member of his or her immediate family, or by mail addressed to me; that this application is number \_\_\_\_\_, and that I have delivered, or caused to be delivered at my direction and under my supervision, in person to \_\_\_\_\_, the said voter, or \_\_\_\_\_, a member of his or her immediate family, or have mailed to him, or her, at the designated post office address, the official ballot with the name of the applicant certified on said ballot or ballots, and that I delivered, or caused to be delivered at my direction and under my supervision, in person, or to said member of his or her immediate family, or mailed, to the voter a container envelope for said ballot, bearing the same number with the name of the voter and his voting precinct entered thereon and that I also, at the same time, furnished a return envelope, bearing my name and address, in which the ballot could be returned to me.

I further certify that this application was registered by me, in a register furnished for that purpose by the State Board of Elections, on the day that it was received and the ballot issued, and that it bears the same number on the register as this application and the container envelope furnished.

Dated \_\_\_\_\_

(Signed) \_\_\_\_\_

Chairman, \_\_\_\_\_ County,  
Board of Elections.

On the back of said application there shall be printed Sections 65 and 66. 1939, c. 159, s. 2; 1943, c. 751, s. 1.

**Sec. 56. ISSUANCE OF OFFICIAL BALLOT.** Upon receipt of such application (provided it shall be received not more than thirty days, nor less than two days prior to such general election, except as hereinbefore provided), the Chairman of the County Board of Elections, after entering on the register to be supplied to him for that purpose, by the State Board of Elections, the name of the voter, the number of the application, the precinct in which the applicant certified he is a qualified voter, the reason



assigned as entitling the voter to the absentee ballot, the date of the receipt of the application, the date of the delivery of the ballot, and whether the ballot was delivered in person to the voter, to a member of his or her immediate family, or by mail, shall deliver in person, only, or to a member of his or her immediate family, or mail to the applicant at the designated post office address, an official ballot, with a container envelope, and a return envelope bearing the name, title, and address of the chairman issuing same.

It shall be the duty of the Chairman of the County Board of Elections issuing such ballot, to place on the back thereof, by stamp, in writing, or otherwise, a certificate as follows:

I certify that this ballot was delivered in person to \_\_\_\_\_  
 \_\_\_\_\_ the voter who applied for same or to a member  
 of his immediate family for him, or mailed to his post office address and  
 whose application is on file in my office. That the container envelope fur-  
 nished with the ballot bears the same number as the application upon which  
 this ballot was issued.

(Signed) \_\_\_\_\_  
 Chairman \_\_\_\_\_ County

1939, c. 159, s. 3.

Board of Elections.

**Sec. 57. CONTAINER ENVELOPES PROVIDED FOR ABSENTEE BALLOTS; AFFIDAVIT OF ABSENT OR SICK VOTER.** It shall be the duty of the said chairman of the county board of elections to fold the ballots, enclose them in the container return envelope furnished by him, which envelope shall bear on one side thereof, written by said chairman, the name of the voter, the number of the application, and the precinct in which the ballot is to be voted, and on the other side thereof the return address of the chairman together with a printed affidavit as follows:

**AFFIDAVIT OF ABSENTEE OR SICK VOTER**

State \_\_\_\_\_ County of \_\_\_\_\_

I, \_\_\_\_\_, do solemnly swear that I am a resident  
 and qualified voter in \_\_\_\_\_ Precinct,  
 \_\_\_\_\_ County, North Carolina: that I will be absent from  
 my county on the day of the general election on November \_\_\_\_\_; (or that  
 due to illness or physical disability I will be unable to travel to the voting  
 place on election day). I further swear that I made application for this  
 absentee ballot, or same was made for me by some member of my imme-  
 diate family, and that I marked the ballots enclosed herein, or the same  
 were marked for me in my presence and according to my instructions.

\_\_\_\_\_  
 Signature of voter.

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_,  
 19\_\_\_\_,

(Seal)

\_\_\_\_\_  
 Signature and title of Officer.

(Acknowledgement of servicemen may be taken before any commission-  
 ed officer.)

1939, c. 159, s. 4; 1943, c. 751, s. 2.

**Sec. 58. INSTRUCTIONS FOR VOTING ABSENTEE BALLOTS.** In using such ballot the absent voter shall make and subscribe to the appropriate affidavit prescribed in Section fifty-seven hereof, before an officer authorized by law to administer oaths, having an official seal, which seal shall be affixed, and in the presence of such officer, mark the ballot, or ballots, or cause the same to be marked in his presence according to his instructions, and shall sign or cause to be signed on the back or margin of said ballot, or ballots, his or her name; and the ballot, or ballots, shall then in the presence of the officer be folded by the voter or attendant, so that each ballot will be separate and then in the presence of such officer be placed in the container envelope, and the container envelope securely sealed. The container envelope, with the ballot enclosed, shall be placed



in the return envelope and shall be mailed by the voter to the chairman of the county board of elections issuing the ballot, if the voter is absent from the county. If the voter is within the county at the time he signs the affidavit and marks the ballot, the container envelope, with the ballot enclosed, shall be placed in the return envelope and mailed or delivered by the voter or some member of his or her family in person to the chairman of the county board of elections issuing the ballot. Such envelope containing the ballot must be in the hands of the chairman of the county board of elections by three o'clock, P. M. on the day of the general election. No ballots received after that time shall be voted or counted.

*Provided*, that in the case of voters who are members of the Armed or Auxiliary Forces of the United States, the signature of any commissioned or noncommissioned officer of the rank of sergeant in the army, or chief petty officer in the navy, or the equivalent thereof, as a witness to the execution of any certificate required by this or any other section of this article to be under oath shall have the force and effect of the jurat of an officer with a seal fully authorized to take and administer oaths in connection with the absentee ballots.

1939, c. 159, s. 5; 1941, c. 248; 1943, c. 736; 1945, c. 758, s. 5.

**Sec. 59. LIST OF APPLICATIONS MADE IN TRIPLICATE; CERTIFICATE OF CORRECTNESS.** On the morning of the day before any general election, the Chairman of the County Board of Elections shall make a list, in triplicate, of all applications received by him from voters to whom he has issued absent voters ballots, and mail said list, with the original of all applications received by him, by registered mail, to the Chairman of the State Board of Elections, at Raleigh, North Carolina, and post one copy thereof at a conspicuous place at the courthouse door; reserving for himself the duplicate of said list. On said list he shall make, under oath, a certificate as follows:

I, \_\_\_\_\_, Chairman of the County Board of Elections of \_\_\_\_\_ County, do hereby certify that the foregoing is a list of all applications filed with me for absent voters ballots to be voted in the election, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_; and I further certify that I have issued ballots to no other persons than to those listed therein, whose original applications are enclosed and filed herewith; and I further certify that I did not deliver any of the ballots to any other person than to the elector, personally, or a member of his, or her, immediate family, or by mail addressed to the voter.

(Signed) \_\_\_\_\_  
Chairman \_\_\_\_\_ County  
Board of Elections.

Dated \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Witness my hand and official seal \_\_\_\_\_  
Title of Officer.

1939, c. 159, s. 6; 1943, c. 751, s. 3.

**Sec. 60. ABSENTEE BALLOTS WITH LIST OF SAME FOR EACH PRECINCT DELIVERED TO REGISTRARS ON ELECTION MORNING.** On the morning of the day of a general election, the chairman of the county board of elections shall deliver, or cause to be delivered, to each registrar in the county, a list of all the absentee ballots received by him from absent voters for such precinct, and at the same time there shall be delivered to the registrars all of the absentee container return envelopes unopened for such precinct which the chairman has received back from the voters. The registrar shall post said list of absentee voters in a public place at the polls where it may be inspected by any voter, which list shall be posted by twelve o'clock noon on election day.

1939, c. 159, s. 7; 1943, c. 751, s. 4.



**Sec. 61. BALLOTS DEEMED VOTED UPON DELIVERY TO PRECINCT OFFICIALS; OPENING, DEPOSITING AND RECORDING; REJECTED BALLOTS; CHALLENGES.** Absent voters ballots shall be deemed to be voted when delivered to the precinct officials, unless upon being opened and inspected it shall appear that the affidavit and jurat, or either, are not in due form, or that the name on the container envelope, the ballot and the chairman's certificate do not correspond. In either of which events, the ballot shall not be voted, nor counted. At any time during the day or, if more convenient, immediately upon the closing of the polls for the voting of voters in person, the recording of the absent voters names on the poll book and depositing the ballot in the ballot box shall be begun and the procedure shall be as follows:

(1) The name of the voter as it appears on the affidavit shall be called by one of the judges of the elections. If it be found that he is a qualified voter of the precinct, and no challenge is offered to the vote, the name shall then be recorded in the poll book, with the notation—"Absent Voter." A judge of elections shall then open the envelope by slitting it with a sharp instrument in such manner as not to destroy, tear or obliterate any part of the affidavit; the ballot shall be removed from the envelope without unfolding the same so as to disclose how the ballot is marked, and if the signature of the voter on the ballot or ballots corresponds with the name on the envelope and with the name set out in the chairman's certificate on the back of the ballot, such ballot, without examination as to how it is marked, shall be deposited in the appropriate ballot box, as other ballots are deposited; *provided, however*, that if the name on the envelope and the name on the ballot and in the chairman's certificate on the back of the ballot do not correspond, or if the affidavit and jurat are not in due form, said ballot shall not be deposited in the ballot box, nor counted, but returned to its envelope and marked—"Rejected."

(2) If an absent voter's ballot is challenged and the challenge is sustained, the ballot shall be returned to its envelope and marked "Challenge Sustained" and returned as provided for the return of rejected ballots.

All envelopes shall be carefully preserved, and, with the ballots marked "Rejected" and "Challenge Sustained," shall be filed with the Chairman of the County Board of Elections, at the time the returns from said precinct are filed, and shall be preserved, intact, by the Chairman of the County Board of Elections for a period of six months, or longer if any contest shall then be pending concerning the validity of any of the absentee ballots so delivered to him.

1939, c. 159, s. 8.

**Sec. 62. PROCEDURE FOR CHALLENGING ABSENTEE BALLOTS ON ELECTION DAY. APPEALS TO COUNTY BOARD.** Any elector may challenge an absent voter's ballot on election day. Any challenge to any absentee ballot must be made in writing to the precinct registrar by the person making the challenge, and such challenger shall set out, in writing, the specific reasons given for each absentee ballot challenged, and also specify why the absentee ballot challenged fails to be in compliance with the laws relating thereto, or why such absent voter is not legally entitled to vote in that election. Each absent voter's ballot must be challenged separately with the reasons stated in writing in each case. Upon such challenge being filed in accordance with the provisions herein set forth, then it shall be the duty of the registrar and judges to proceed to hear the challenger's reasons for each such a challenge made and decide same. The burden of proof shall be upon the challenger in each case on election day to sustain each challenge so made.

Any absent voter whose absentee ballot has been challenged, and the challenge sustained, may, either personally or through a duly authorized representative, appeal to the County Board of Elections on canvass day to sustain the validity of the voter's ballot, and if its validity is sustained



his or her absentee ballot shall be counted and added by the Board to the returns from the proper precinct.

1939, c. 159, s. 9; 1945, c. 758, s. 8; 1953, c. 1114.

**Sec. 63. REGISTER OF APPLICATIONS DECLARED A PUBLIC RECORD.** The register of applications for absent voters ballots, required to be kept by the Chairman of the County Board of Elections, shall constitute a public record and shall be opened to the inspection of any elector of the county, at any time within thirty days before and thirty days after any general election, or at any other time when good and sufficient reason may be assigned for such inspection.

1939, c. 159, s. 10.

**Sec. 64. CERTIFICATION WITHOUT ADMINISTERING OATH MADE MISDEMEANOR.** Any person authorized to administer oaths, who willfully signs a certificate that any person has subscribed and sworn to an affidavit for use in obtaining an absent voters application, or absent voters affidavit, or any other purported affidavit referred to and required by this article, when, as a matter of fact, he has not administered the oath to such person, shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than one hundred dollars (\$100.00), or imprisoned not less than sixty days, or both, in the discretion of the court.

1939, c. 159, s. 11.

**Sec. 65. FALSE STATEMENT UNDER OATH MADE MISDEMEANOR.** If any person shall willfully and falsely make any affidavit or statement, under oath, which affidavit or statement, under oath, is required to be made by the provisions of this article, such person shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than one hundred dollars (\$100.00), or imprisoned for not less than sixty days, or both, in the discretion of the court.

1939, c. 159, s. 12.

**Sec. 66. FALSE STATEMENT NOT UNDER OATH MADE MISDEMEANOR.** If any person, for the purpose of obtaining or voting any official ballot hereunder, shall willfully sign any printed or written false statement which does not purport to be under oath, or which, if it purports to be under oath, was not duly sworn to, such person shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than one hundred dollars (\$100.00), or imprisoned not less than sixty days, or both, in the discretion of the court.

1939, c. 159, s. 13.

**Sec. 67. CUSTODY OF APPLICATIONS, BALLOTS, ETC.** The Chairman of the County Board of Elections in each county shall be the sole custodian of blank applications for absent voters ballots, the official ballots, blank certificates and envelopes, and he shall issue same only in strict accordance with the provisions of this article. The issuance of such absent voters ballots is the responsibility and duty of the Chairman of the County Board of Elections. Blank applications for absent voters ballots may be delivered to any elector applying for same. He shall keep all records and make all reports, promptly, required by him by the terms of this article.

The willful violation of the terms of this section shall constitute a misdemeanor, and upon conviction, the offender shall be fined not less than one hundred dollars (\$100.00), or imprisoned not less than sixty days, or both, in the discretion of the court.

1939, c. 159, s. 14.

**Sec. 68. VIOLATIONS NOT OTHERWISE PROVIDED FOR MADE MISDEMEANOR.** If any person shall willfully violate any of the provisions of this article, or willfully fail to comply with any of the provisions thereof, for which no other punishment is herein provided, such person



shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than one hundred dollars (\$100.00), or imprisoned not less than six months, or both, in the discretion of the court.

1939, c. 159, s. 15.

**Sec. 69. REPORTS OF VIOLATIONS TO ATTORNEY GENERAL AND SOLICITOR.** It shall be the duty of the State Board of Elections to report to the Attorney General of North Carolina, and to the solicitor of the appropriate judicial district, any violation of this article, or the failure of any person charged with a duty hereunder to comply with and perform such duty, and it shall be the duty of the solicitor to cause such person to be prosecuted therefor.

1939, c. 159, s. 16.



## ART. 11. ABSENTEE VOTING IN PRIMARIES BY PERSONS IN MILITARY OR NAVAL SERVICES

### Sec. 70. VOTING BY PERSONS IN ARMED FORCES IN PRIMARIES.

Any qualified voter entitled to vote in the primary of any political party, who, on the date of such primary, is in the military, naval or other armed forces of the United States may vote in the primary of the party of his affiliation in the manner as hereinafter provided.

1941, c. 346, ss. 1, 1-a.

**Sec. 71. APPLICATION FOR BALLOTS, ETC.** Such voter at any time before the date of the primary may make an application in writing duly signed by him or signed in his name by a member of his immediate family (wife, brother, sister, parent or child) to the chairman of the county board of elections of his county for an official primary ballot of the party of his affiliation as shown by the party primary registration books.

Said application shall show the precinct in which the applicant is registered and entitled to vote and the company or other armed unit of which he is a member.

The county board of elections shall furnish appropriate application blanks to any such voter or the immediate family of such on request. The application, however, shall not be required to be on such form but may be informally made in writing signed by the voter or signed in his name by a member of his immediate family as herein defined.

Upon the receipt of such application the chairman of the county board of elections of the county of the voter's residence shall enter on a register kept for that purpose the name of the applicant, his party affiliation and the precinct in which the applicant is entitled to vote as shown by the application.

1941, c. 346, ss. 2, 3.

**Sec. 72. BALLOT MAILED TO APPLICANT; FORM OF CERTIFICATE ON BALLOT.** The chairman of the county board of elections after registering said application shall mail to the applicant the official primary ballot of the political party with which the applicant is affiliated, certifying on said ballot that it was furnished to the voter, naming him, whose application for the ballot was made to the chairman of the county board signing the same.

On the back of the ballot a certificate shall be printed in the following words:

I, \_\_\_\_\_, a duly registered Democrat-Republican (Strike out whichever is inappropriate) in \_\_\_\_\_ Precinct, \_\_\_\_\_ County, do hereby certify that I am a qualified voter of said Precinct; that I am in the Armed Forces of the United States, a member of \_\_\_\_\_ Company or unit and am sending this ballot duly marked by me to the Chairman of the County Board of Elections of the County of my residence to be voted in the forthcoming Primary of said party.

Witness my hand in the presence of my commanding officer this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

Witnesses:

\_\_\_\_\_  
Name of Officer

\_\_\_\_\_  
Title and Unit.

1941, c. 346, ss. 4, 5.

**Sec. 73. ENVELOPE FOR RETURN OF BALLOT.** The chairman of the county board of elections shall send with the official ballot an envelope



for the return of the ballot addressed to the chairman and having printed thereon the following form:

This envelope contains the ballot of \_\_\_\_\_  
a member of the Armed Forces of the United States to be voted in  
\_\_\_\_\_ Precinct, \_\_\_\_\_ County, in  
the Primary of the \_\_\_\_\_ Party to be held on  
the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

\_\_\_\_\_  
Signature of Voter.

1941, c. 346, s. 6.

**Sec. 74. VOTING OF BALLOTS; DELIVERY TO APPROPRIATE PRECINCTS; UNCHALLENGED BALLOTS DEPOSITED AND COUNTED.**

The voter receiving said ballot may vote same by properly marking the ballot, completing the certificate on the back thereof and signing his name to said certificate in the presence of his commanding officer or a commissioned officer who shall sign his name thereto as witness to the signature of the voter.

The ballot shall then be placed in the envelope furnished, securely sealed, the voter completing and signing the certificate on the back of the envelope and mailing the same to the chairman of the county board of elections by United States Mail.

The chairman of the county board of elections on the day of the primary shall deliver or cause to be delivered to the appropriate precinct all primary ballots received by him from members of the armed forces of the United States. Said ballots shall be delivered in the envelope in which received and without the seals being broken.

All ballots delivered to the precinct officials by the chairman of the county boards of elections shall be deemed voted at three o'clock on the day of the primary except such as may have been successfully challenged. Such ballot shall not be voted, however, unless the voter is duly registered on the primary books of the political party in whose primary he offers to vote.

At any time after three o'clock or the close of the polls all unchallenged ballots shall be deposited in the appropriate ballot box and counted as and in the same manner as other ballots are counted.

1941, c. 346, ss. 7, 10.

**Sec. 75. PRESERVATION OF ENVELOPES IN WHICH BALLOTS TRANSMITTED.** The precinct officials with the returns of the primary shall deliver to the chairman of the county board of elections all envelopes from which absentee ballots have been voted and said envelopes with all applications received by the chairman of the county board of elections on which he has issued ballots shall be preserved for at least six months after the primary and longer if there should be reason or necessity therefor.

1941, c. 346, s. 11.

**Sec. 76. REGISTER OF BALLOTS A PUBLIC RECORD; POSTING LIST.** The register of the ballots issued by the chairman shall be a public record open to inspection by any voter of the county at any time.

A list of all ballots received at a precinct to be voted therein shall be posted at a conspicuous place about the polls as soon as practical after receipt of the ballots and before they are voted.

1941, c. 346, ss. 12, 13.

**Sec. 77. UNLAWFUL VOTING MADE MISDEMEANOR.** Any person who shall vote or attempt to vote absentee ballot in any primary, not then being a member of the armed forces of the United States, shall be guilty of a misdemeanor and punished by fine of not more than two hundred dollars (\$200.00) or imprisoned for not more than six months or both in the discretion of the court.

1941, c. 346, s. 14.



## **ART. 11.1. ABSENTEE REGISTRATION AND VOTING BY PERSONS IN MILITARY OR NAVAL SERVICE**

**Sec. 77.1. PERSONS IN ARMED FORCES, THEIR WIVES, VETERANS AND SERVICE CONNECTED CIVILIANS MAY REGISTER AND VOTE BY MAIL UNDER ARTICLE.** Every individual absent from the county of his residence and serving in the land or naval forces of the United States, including the members of the Army Nurse Corps, the Navy Nurse Corps, the Women's Navy Reserve, and the Women's Army Auxiliary Corps and the Merchant Marine, who is eligible to register for and is qualified to vote at any election held under the laws of this State, shall be entitled to register and vote in the manner hereinafter provided.

All of the provisions of this Section and of this Article shall apply equally to the wife of a serviceman residing with her husband outside of the county of her husband's residence; to a discharged, disabled war veteran in a Government Hospital; and to a civilian attached to and serving outside of the United States with the armed forces, thus permitting such persons, when qualified to register and vote under the laws of this State, to register by mail and vote absentee ballots in all state-wide primaries and elections held in North Carolina.

1943, c. 503, s. 1; 1953, c. 908.

**Sec. 77.2. APPLICATION MADE TO SECRETARY OF STATE; TRANSMITTED TO CHAIRMAN COUNTY ELECTION BOARD.** Such absent member of the United States armed forces, absent from his residence county, may make an application, in writing, at any time prior to an election on the form prescribed in Public Law seven hundred and twelve of the Seventy-seventh Congress, to the Secretary of State, for absentee ballots to be voted in the election, and the Secretary of State shall, after making a record of the name and residence of such applicant, transmit such application to the office of the State Board of Elections. The State Board of Elections shall, after the receipt of such application from the Secretary of State, transmit said application to the chairman of the county board of elections of the county in which applicant resides, with all necessary instructions to said county chairman as to his duties hereunder.

1943, c. 503, s. 2.

**Sec. 77.3. DUTIES OF COUNTY CHAIRMAN UPON RECEIPT OF APPLICATION; REGISTRATION AND ISSUANCE OF ABSENTEE BALLOTS.** It shall be the duty of the chairman of the county board of elections upon receipt of said application from the State Board of Elections to:

(a) If the applicant is found by the chairman of the county board of elections to be registered in the registration book of the precinct in which applicant advises he is residing, the said chairman shall mail such applicant one official absentee ballot of each kind being used in the election, together with a container return envelope for the return of the ballot the same as is required by Article 10 hereof.

(b) If the applicant is found by the chairman not to be registered in the registration book of the voting precinct in which the applicant declares he is residing, upon the chairman determining the resident precinct of such applicant and that he is eligible under Article six of the State Constitution and the statutory laws relating thereto to be registered, then the said chairman may register such applicant in the registration book furnished and kept by him under the provisions of Section fifty-six of Article 10, according to precincts.

When the chairman of the county board of elections has registered said applicant in said registration book, he shall thereupon mail to the applicant one official absentee ballot of each kind being used in the election, including candidates for all Federal, State, district, county and local offices



and for constitutional amendments, together with a container return envelope for the return of the ballots to the chairman the same as is required by Article 10.

1943, c. 503, s. 3.

**Sec. 77.4. CHAIRMAN TO PREPARE LIST OF PERSONS REGISTERED; LIST TO BE POSTED AT PRECINCT.** The chairman of the county board of elections shall prepare in duplicate a list of the names of all persons who have applied for absentee ballots under the said Federal Act and whose names he has registered on said absentee registration book. One copy of this list shall be delivered by said chairman, together with a copy of the list of names of all other absentee ballots which he is required by Article 10 to deliver, to the registrar of each precinct on the morning of the election, which shall be posted by the registrar in a public place at the voting precinct where it may be inspected by any voter. This list shall be entitled "List of applicants under the Federal Act for absentee ballots registered by chairman of the county board of elections." One copy shall be kept by such chairman.

1943, c. 503, s. 4.

**Sec. 77.5. LIST CONSTITUTES VALID REGISTRATION; NAMES NOT TO BE PLACED ON REGULAR REGISTRATION BOOKS.** The chairman of the county board of elections' list as delivered to the registrars of the various precincts shall constitute the only precinct registration of the members of the armed forces registering under the provisions of this Article, and the posting of such list by the registrar at the precinct shall be sufficient to validate the ballots of such absentee voters when such ballots are in all other respects regular, and the registrars shall not register on the regular election registration books of the precincts the names of such voters registered under the provisions of this Article.

1943, c. 503, s. 5.

**Sec. 77.6. CHAIRMAN MAY REGISTER QUALIFIED PERSONS WHO APPLY BY MAIL DIRECT TO HIM FOR AN ABSENTEE BALLOT.** If an unregistered applicant for an absentee ballot in the said armed forces applies in writing direct to the chairman of the county board of elections instead of through the Secretary of State, the said chairman may likewise register said applicant in his registration book and mail him the absentee ballot if the chairman determines that said applicant is qualified to register under Article six of the State Constitution and the statutory laws enacted relating thereto and shows that he or she is a member of the United States armed forces as above described in section 77.1 hereof.

1943, c. 503, s. 6.

**Sec. 77.7. ARTICLE 10 ON ABSENTEE VOTING APPLICABLE EXCEPT AS OTHERWISE PROVIDED HEREIN.** Except as herein otherwise provided, the provisions of article 10, relating to absentee voting in general elections, shall apply as to the form of the absentee ballot, the certificates, envelopes, and manner of depositing and voting of such ballots, counting of ballots and certifying results, et cetera.

1943, c. 503, s. 7.

**Sec. 77.8. STATE ELECTION BOARD TO SUPERVISE ADMINISTRATION OF THIS ARTICLE; POWER TO MAKE REGULATIONS.** The State Board of Elections is hereby given full power and authority to supervise the administration of this Article, and in case sufficient provisions may not appear to have been made herein, said Board of Elections may make such reasonable rules and regulations as are necessary to carry out the true intent and purpose of this Article, not in conflict with the provisions of the law relating thereto.

1943, c. 503, s. 8.



**Sec. 77.9. PROVISIONS APPLICABLE TO ABSENTEE REGISTRATION AND VOTING IN PRIMARIES.** The provisions of this article shall be applicable to registration and voting in primary elections, as well as in general elections. The State Board of Elections is hereby authorized and empowered to adopt and promulgate whatever rules and regulations it may deem necessary to conform the provisions hereof to the primary election law.

1943, c. 503, s. 9; 1945, c. 758, s. 6.

**Sec. 77.10. PRINTING AND DISTRIBUTION OF ABSENTEE BALLOTS AND SUPPLIES.** In order to fully carry out the purposes and intentions of this Article, the State Board of Elections and the various county boards of elections, as the case may be, are authorized, empowered and directed to have printed, and in the hands of the proper election officials all necessary ballots, together with the container return envelope, not later than the first day of September immediately preceding the ensuing general election, and in the event this Article is made applicable to primary elections, not later than ten days after the time has expired for the filing for candidacy by county officers.

1943, c. 503, s. 10; 1949, c. 672, s. 3.

**Sec. 77.11. EXPENSE OF ADMINISTERING ARTICLE; HOW PAID.** The expenses of administering the provisions of this Article by the State Board of Elections shall be paid for by allotment from the State Contingency and Emergency Fund, unless or until the same is paid by the Federal Treasury under the provisions of the said Federal Act.

1943, c. 503, s. 11.

**Sec. 77.12. ARTICLE INAPPLICABLE TO PERSONS AFTER DISCHARGE FROM SERVICE; REREGISTRATION REQUIRED WHEN.** Upon any member of the armed forces as hereinbefore defined, being discharged therefrom, he or she shall no longer be entitled to the benefits of the provisions of this Article, and if such person registered under the provisions of this Article, he or she shall be required to re-register in person the same as any other person before being entitled to vote in any election.

1943, c. 503, s. 12.



## ART. 12. CHALLENGES

**Sec. 78. REGISTRAR TO ATTEND POLLING PLACES FOR CHALLENGES.** It shall be the duty of the registrar to attend the polling place of his township or precinct with the registration books on Saturday preceding the election, from the hour of nine o'clock a. m. till the hour of three o'clock p. m., when and where the said books shall be open for the inspection of the electors of the precinct or township, and any of said electors shall be allowed to object to the name of any person appearing on said books. In case of any such objection, the registrar shall enter upon his books, opposite the name of the person so objected to, the word "Challenged," and shall appoint a time and place, before the election day, when he, together with the judges, shall hear and decide said objection, giving personal notice of such challenge to the voter so objected to; and if for any cause personal notice cannot be given, then it shall be sufficient notice to leave a copy thereof at his residence: *Provided*, nothing in this section shall prohibit any elector from challenging or objecting to the name of any person registered or offering to register at any time other than that above specified. If any person so challenged or objected to shall be found not duly qualified, the registrar shall erase his name from the books.

1901, c. 89, s. 19.

**Sec. 79. HOW CHALLENGES HEARD.** When any person is challenged, the judges and registrar shall explain to him the qualifications of an elector, and shall examine him as to his qualifications; and if the person insists that he is qualified and shall prove his identity with the person in whose name he offers to vote, and his continued residence in the precinct since his name was placed upon the registration list, as the case may be, by the testimony, under oath, of at least one elector, one of the judges or the registrar shall tender to him the following oath or affirmation:

You do solemnly swear (or affirm) that you are a citizen of the United States; that you are twenty-one years old, and that you have resided in this State for one year, and in this township (precinct or ward) for thirty days next preceding this election, and that you are not disqualified from voting by the Constitution and laws of this State; that your name is (here insert name given), and that in such name you were duly registered as a voter of this township; and that you are the identical person you represent yourself to be, and that you have not voted in this election at this or any other polling place; So help me, God.

And if he refuses to take such oath, when tendered, his vote shall be rejected; if, however, he does take the oath when tendered, his vote shall be received: *Provided*, that after such oath or affirmation shall have been taken, the registrar and judges may, nevertheless, refuse to permit such person to vote, unless they be satisfied that he is a legal voter; and they are hereby authorized to administer the necessary oaths or affirmations to all witnesses brought before them to testify to the qualification of a person offering to vote. Whenever any person's vote shall be received, after having taken the oath or affirmation prescribed in this section, the registrar or one of the judges shall write on the poll books, at the end of such person's name, the word "Sworn." The same powers as to the administration of oaths and affirmations and the examination of witnesses, as in this section granted to registrars and judges of election, may be exercised by the registrars in all cases where the names of persons registered or offering to register are objected to.

1901, c. 89, s. 22; Ex. Sess. 1920, c. 93, s. 2; 1955, c. 871, s. 2.

**Sec. 79.1. REGISTRATION RECORDS OPEN TO PUBLIC IN CERTAIN COUNTIES HAVING LOOSE-LEAF AND VISIBLE REGISTRATION SYSTEM AND PERMANENT REGISTRATION; CHALLENGES IN SUCH COUNTIES.** In counties having one or more municipalities, with a population in excess of 10,000 and in which a modern loose-leaf and visible registration system has been established as permitted by G. S. 163-43, with a full time and permanent registration as authorized by G. S. 163-31 and



163-31.2, the registration books or permanent records of registration shall be open to public inspection by any elector of the county between such reasonable hours and on such day or days of each week as the county board of elections shall find reasonable, at which time the registration of any elector shall be subject to objection and challenge. Except as hereinafter provided, G. S. 163-78 and 163-79 shall not apply to such counties. All challenges shall be made to and heard solely by the county boards of elections in the same manner as that provided in G. S. 163-79 for the hearing of challenges by precinct election officials. Nothing herein shall be taken to prohibit any elector from challenging or objecting to the name of any other elector offering to vote on the day of any primary or general election, and, in the event of such challenge, the same shall be heard and determined by the registrar and judges of election in the manner provided by G. S. 163-79.

1953, c. 843; 1955, c. 800.

**Sec. 80. CHALLENGE AS FELON; ANSWER NOT USED ON PROSECUTION.** If any person is challenged as being convicted of any crime which excludes him from the right of suffrage, he shall be required to answer any question in relation to such alleged conviction; but his answer to such questions shall not be used against him in any criminal prosecution.

1901, c. 89, s. 71.



### **ART. 13. CONDUCT OF ELECTIONS**

**Sec. 81. SPECIAL ELECTIONS.** Every election held in pursuance of a writ from the Governor shall be conducted in like manner as the regular biennial elections, so far as the particular case can be governed by general rules, and shall, to all intents and purposes, be as legal and valid, and subject the officers holding and the persons elected to the same penalties and liabilities as if the same had been held at the time and according to the rules and regulations prescribed for the regular biennial elections.

1901, c. 89, s. 75.

**Sec. 82. POWER OF ELECTION OFFICERS TO MAINTAIN ORDER.** The registrar and judges of election in each ward or precinct, the board of elections of each county, and the State Board of Elections shall respectively possess full power and authority to maintain order and to enforce obedience to their lawful commands during their sessions, respectively, and shall be constituted inferior courts for that purpose, and if any person shall refuse to obey the lawful commands of any such registrar or judges of election, county boards of election, or State Board of Elections, or by disorderly conduct in their hearing or presence shall interrupt or disturb their proceedings, they may, by an order in writing, signed by their chairman and attested by their clerk, commit the person so offending to the common jail of the county for a period not exceeding thirty days, and such order shall be executed by any sheriff or constable to whom the same shall be delivered, or if a sheriff or constable shall not be present, or shall refuse to act, by any other person who shall be deputed by such State or county boards of elections, in writing, and the keeper of such jail shall receive the person so committed and safely keep him for such time as shall be mentioned in the commitment. Provided, that any person committed under the provisions of this section shall have the right to post a \$200.00 bond with the Clerk of the Superior Court and appeal to the Superior Court for a trial on the merits of his commitment.

1901, c. 89, s. 72; 1955, c. 871, s. 4.

**Sec. 83. VOTER MAY DEPOSIT HIS OWN BALLOT.** The ballot may be deposited for the voter by the registrar, or one of the judges of election, or the voter may deposit it if he chooses.

1901, c. 89, s. 24.



## **ART. 14. COUNTING OF BALLOTS; PRECINCT RETURNS; CANVASS OF VOTES AND PREPARATION OF ABSTRACTS; CERTIFICATION OF RESULTS BY COUNTY BOARD OF ELECTIONS**

**Sec. 84. PROCEEDINGS WHEN POLLS CLOSE; COUNTING OF BALLOTS AFTER A PRIMARY OR AN ELECTION.** At the time for closing the polls the Registrar shall announce that the polls are closed, but any qualified electors who are in the process of voting, or are in line within the voting enclosure waiting to vote, shall be allowed to vote before the polls close.

The County Board of Elections of any county may, by a majority vote, authorize the use of precinct ballot counters to aid the registrars and judges of election in the counting of the ballots in any precinct or precincts within the county and such ballot counters, to the extent of the number designated by the County Board of Elections, may be selected by the County Board of Elections or the registrars as the County Board may direct. Upon acceptance of the appointment as ballot counters, such persons shall appear before the registrar at the polling place immediately at the close of the polls and take an oath administered by the registrar to support the Constitution of the United States and the Constitution of North Carolina not inconsistent therewith and that they will honestly discharge the duties of ballot counter and will fairly and honestly tabulate the votes as cast in said primary or election. In a general election one ballot box may be emptied at a time upon a table and all those ballots marked as a straight party vote for all of the candidates of one party may be put in one pile and each such ballot counted as one vote for each candidate on said ballot of such party as marked in the party circle above, and shall be so tallied on the tally sheet. All split-voted ballots—that is for candidates of more than one party—shall be called out and tallied according to the manner in which they are marked for the individual candidates. All questions arising upon the counting of the votes or the tabulation thereof as to how a ballot shall be counted shall be referred to the registrar and judges of election for determination before the completion of the counting of a box. More than one box may be counted at a time by the precinct officials, clerks, and ballot counters, but the registrar and judges of election shall have supervision over the counting of all boxes and be responsible for them. Before any primary or election the Chairman of the County Board of Elections shall furnish to each registrar written instructions on how ballots shall be marked and counted under the provisions of the law. Before the counting of the ballots begins the registrar shall properly instruct all of the ballot counters, clerks and judges on how differently marked ballots shall be counted and tallied. The counting of the ballots in each box shall be made in the presence of the election officials, witnesses and watchers who are present and who may desire to watch same. Provided, that in all primary elections, when the counting of the ballots begins after the polls close, one ballot shall be taken at a time from the ballot box by one of the election officials named herein and opened in full view of all of the election officials and witnesses present, and the name of each candidate voted for shall be read aloud distinctly. The vote received by each candidate shall be tallied on the tally sheet. This same procedure for counting the ballots shall apply to all ballot boxes being counted at the same time in a primary election.

No ballot shall be counted which is marked contrary to law, except that no ballot shall be rejected for any technical error unless it is impossible to determine the voter's choice.

The counting of ballots shall be continuous until completed. From the time the ballot box is opened and the count of votes begun, until the votes are counted and returns are made out, signed and certified as herein required, and given to the presiding Judge or Registrar for delivery to the



County Board as required herein, the Registrar and Judges of Election in each precinct shall not separate, nor shall a Registrar or Judge leave the polling place except from unavoidable necessity. In case of illness or unavoidable necessity, the Board of Elections may substitute another qualified person for any precinct official so incapacitated.

Immediately following the completion of the counting of the votes on election night and the certification of the official precinct returns, the registrar, or one of the judges selected by him, shall report the total precinct vote for each candidate or proposition by telephone or otherwise to the office of the county board of elections, which report shall be unofficial and shall have no binding effect upon the official county canvass to follow thereafter. The chairman or secretary or clerk to the county board of elections shall, as soon as such reports are received from the registrars, publish such reports to the press and to the radio and television. The cost thereof shall be charged to the operating expenses of the county board of elections.

1933, c. 165, s. 8; 1955, c. 891; 1961, c. 487.

**Sec. 84.1. PRECINCT BALLOT COUNTERS IN CERTAIN COUNTIES HAVING LOOSE-LEAF AND VISIBLE REGISTRATION SYSTEM AND PERMANENT REGISTRATION; COUNTING AND TABULATION OF RETURNS IN SUCH COUNTIES.** In counties having one or more municipalities, with a population in excess of 10,000 and in which a modern loose-leaf and visible registration system has been established as permitted by G. S. 163-43, with a full time and permanent registration as authorized by G. S. 163-31 and 163-31.2, the county board of elections may by a majority vote authorize the use of precinct ballot counters to aid the registrars and judges of elections and thereupon the county board of elections, or the registrars, to the extent of the number of ballot counters designated by the county board of elections, may select ballot counters to aid the registrars and judges of elections in counting the ballots and making precinct returns. The names and addresses of all ballot counters serving in any precinct, whether appointed by the county board of elections or by the registrars, shall be reported by the registrars to the county board of elections at the county canvass following the election. Upon acceptance of appointment as ballot counter, such person shall appear before the registrar at the polling place upon the closing of the polls and take the oath that such person will support the Constitution of the United States and the Constitution of North Carolina not inconsistent therewith and will honestly and impartially discharge the duties of a ballot counter and will honestly and fairly tabulate and make return of the count and will not keep or make any memorandum of such count, except that which he is called upon to make to the county board of elections, and will not make any statement with reference to said count and return, unless called upon to testify in a judicial proceeding for a violation of the election laws of this State. The registrars, judges of election, clerks, and ballot counters, shall, upon the closing of the polls, proceed to open the ballot boxes and to count and tabulate the returns by teams in such manner as may be prescribed by the county board of elections. All questions or challenges arising upon the count and tabulation or with reference to any ballot or ballots cast at said election shall be heard and determined by the registrars and judges of election in the manner provided by law.

1953, c. 843; 1955, c. 800.

**Sec. 84.2. PRESERVATION OF BALLOTS; LOCKING AND SEALING OF BALLOT BOXES; SIGNING OF CERTIFICATES.** After the counting is completed on the night of any primary or election, all ballots voted shall be put back in the proper ballot boxes from which they were taken, and the registrar and judges shall properly securely lock each ballot box, and securely place a seal around the top of the boxes so that no ballot can be taken from or put in any of the boxes, and the registrar and judges shall sign the seal on each box. These ballot boxes shall remain in the safe custody of the registrar subject to any orders from the chairman of the county board of elections as to their disposition. It shall be the duty of



the chairman of the county board of elections to furnish to each registrar all locks and proper seals for all ballot boxes, with proper instruction as to how each box is to be securely locked and sealed in compliance with this Act. There shall be printed on each precinct return form to be signed by the registrar and judges after the count is completed a certificate certifying that each ballot box was properly locked, sealed and signed by the registrar and judges, as herein prescribed, before they left the polling place on primary or election night. Willful failure to securely lock, seal and sign the seal on each ballot box on the night of any primary or election, and willful failure to sign the certificate on the duplicate return forms certifying that this has been done shall constitute a misdemeanor.

1959, c. 1203, s. 2.

**Sec. 85. HOW PRECINCT RETURNS ARE TO BE MADE AND CANVASSED.** When the results of the counting of the ballots have been ascertained, such results shall be embodied in a duplicate statement to be prepared by the Registrar and Judges on forms provided by the County Board of Elections and certified to by said officers. One of the statements of the voting in the precinct shall be placed in a sealed envelope and delivered to the Registrar or Judge selected by them for the purpose of delivery to the County Board of Elections, at its meeting to be held on the second day after the election or primary. The other duplicate statement shall be mailed by one of the other precinct election officers to the chairman of the County Board of Elections immediately.

The County Board of Elections shall meet on the second day next after every primary or election, at eleven o'clock a. m. of that day, at the courthouse of the county, for the purpose of canvassing the votes cast in the county and the preparation of the county abstracts. Any Registrar or Judge appointed to deliver the certified precinct returns who shall fail to deliver those returns at the meeting of the County Board of Elections by twelve o'clock a. m. on the day of such Board meeting shall be guilty of a misdemeanor, unless for illness or good cause shown for such failure. In the event any precinct returns have not been received by the County Board by twelve o'clock A. M. on the first day of its meeting, or if any returns are incomplete or defective, it shall have authority to dispatch an officer to the residence of such precinct officials for the purpose of securing the proper returns of such precinct.

1933, c. 165, s. 8.

**Sec. 86. COUNTY BOARD OF ELECTIONS TO CANVASS RETURNS AND DECLARE RESULTS.** The County Board of Elections at their said meeting required to be held on the second day after every primary or election, in the presence of such electors as choose to attend, shall open the returns and canvass and judicially determine the results of the voting in the respective counties, stating the number of legal ballots cast in each precinct for each candidate, the name of each person voted for and the political party with which he affiliated, and the number of votes given to each person for each different office, and shall sign the same. The said County Board of Elections shall have the power and authority to judicially pass upon all facts relative to the election, and judicially determine and declare the result of the same. And they shall have power and authority to send for papers and persons and examine the same, and to pass upon the legality of any disputed ballots transmitted to them by any precinct officer.

1933, c. 165, s. 9.

**Sec. 87. WHAT RETURNS PLACED ON SAME ABSTRACT.** The abstract of votes for each of the following class of officers shall be made on a different sheet:

1. President and Vice-President.
2. Governor and all State officers; Justices of the Supreme Court; Judges of Superior Court; and United States Senator.
3. Representatives in Congress.



4. Solicitor.
5. Senators and Representatives of the General Assembly.
6. County officers.
7. Township officers.

1933, c. 165, s. 8.

**Sec. 88. PREPARATION OF ORIGINAL ABSTRACTS; WHERE FILED.**

When the canvass has been completed, the County Board of Elections shall prepare on forms furnished by the State original statements of the results showing:

1. Upon a single sheet an abstract of votes for President and Vice-President of the United States, when a Presidential election is held.
2. Upon another sheet an abstract of votes for Governor and all State officers, Judges of the Supreme Court, Judges of the Superior Court and United States Senator.
3. Upon another sheet an abstract of votes for Representatives to Congress.
4. Upon another sheet an abstract of votes for Solicitor.
5. Upon another sheet an abstract of votes for State Senators and Representatives in the General Assembly.
6. Upon another sheet an abstract of votes for County officers.
7. Upon another sheet an abstract of votes for Township officers for each township in the county.
8. Upon another sheet an abstract of votes for all constitutional amendments and propositions submitted to the people. Each of these abstracts shall be so prepared as to show the total number of votes cast for each candidate of each political party for each office in each precinct in the county.

Each of these original abstracts shall be signed by the members of the County Board of Elections with their certificate as to their correctness, and each of the original abstracts together with the original precinct returns shall be filed with the Clerk of the Superior Court to be recorded in the permanent file in his office.

1933, c. 165, s. 8.

**Sec. 89. DUPLICATE ABSTRACTS TO BE SENT TO STATE BOARD OF ELECTIONS; PENALTY FOR FAILURE TO COMPLY.** When the County Boards of Elections shall have completed the original abstracts, they shall also prepare separate duplicate abstracts for all offices for which the State Board of Elections is required to canvass the votes and declare the results, which shall include the following: For President and Vice-President; for State Officers and United States Senator; for Representatives to Congress; for Solicitors; and for State Senators in Senatorial Districts composed of more than one county; and for amendments and propositions submitted.

When said duplicate abstracts shall have been prepared, the County Board of Elections shall sign an affidavit on each abstract that they are true and correct; then the Chairman of said Board shall mail said duplicate abstracts, within five days after the primary or election is held, to the Chairman of the State Board of Elections at Raleigh, so that said abstracts shall be received by the Chairman of the State Board of Elections within one week after the primary or election.

The Chairman of the County Board of Elections, failing or neglecting to transmit said abstracts to the Chairman of the State Board of Elections within the time above prescribed shall be guilty of a misdemeanor and subject to a fine of one thousand dollars: *Provided*, that the penalty herein prescribed shall not apply where aforesaid officer was prevented from performing the duties herein prescribed because of sickness or other unavoidable delay, but the burden of proof shall be on such officer to show



that his failure to perform his said duties was due to sickness or unavoidable delay.

1933, c. 165, s. 8.

**Sec. 90. CLERK OF SUPERIOR COURT TO SEND STATEMENT OF VOTES TO SECRETARY OF STATE IN GENERAL ELECTION.** In a general election, the Clerk of the Superior Court shall, within two days after the original abstracts are filed in his office by the County Board of Elections, certify under his official seal to the Secretary of State, upon blanks furnished to him by the State for that purpose, a statement of the votes cast in his county for all National, State and District officers, and for and against Constitutional Amendments and Propositions submitted to the people. The Clerk of the Superior Court shall at the same time also certify under his official seal to the Secretary of State a list of all the persons voted for as members of the State Senate and House of Representatives and all county officers, together with the votes cast for each and their postoffice address.

The Clerk of the Superior Court, failing or neglecting to transmit these returns to the Secretary of State within the time herein provided, shall be subject to a fine of five hundred dollars and be guilty of a misdemeanor: *Provided*, that the penalty herein prescribed shall not apply where the aforesaid officer was prevented from performing the duties herein prescribed because of sickness or other unavoidable delay, but the burden of proof shall be on such officer to show that his failure to perform his said duties was due to sickness or unavoidable delay.

1933, c. 165, s. 8.

**Sec. 91. WHO DECLARED ELECTED BY COUNTY BOARD; PROCLAMATION OF RESULT.** In the general election, the person having the greatest number of legal votes for a county or township office, or for the House of Representatives, or for the State Senate in a district composed of only one county, shall be declared elected by the County Board of Elections. But, if two or more county candidates, having the greatest number of votes, shall have an equal number the County Board of Elections shall determine which shall be elected: *Provided* that a write-in candidate must receive as many as 5 % of the votes cast for candidates for Congress in the township or county or other jurisdiction in which said write-in candidate is running as a prerequisite to his being elected.

When the County Board of Elections shall have completed the canvass, they shall judicially determine the result of the election in their county for all persons voted for, and proclaim the same at the courthouse door with the number of votes cast for each.

1933, c. 165, s. 8; 1957, c. 1263.

**Sec. 92. CHAIRMAN OF COUNTY BOARD OF ELECTIONS TO FURNISH COUNTY AND TOWNSHIP OFFICERS CERTIFICATE OF ELECTION.** The Chairman of the County Board of Elections of each county shall furnish, within ten days, the member or members elected to the House of Representatives and the county officers, a certificate of election under his hand and seal. He shall also immediately notify all persons elected to the county offices to meet at the courthouse on the first Monday in the ensuing December to be qualified. The chairman of the county board of elections shall also issue a certificate of election to each township officer elected to office within the county. *Provided*, that where an election contest is properly pending before a County Board of Elections or on appeal from a County Board to the State Board of Elections, either after a primary or a general election, the said County Board of Elections shall not certify the results of the primary or election for the office in controversy until the contest has been finally decided by the County or State Board of Elections, or until at least five days after the results of the election have been officially certified and public notice given of the results and no contest or appeals have been filed with the county board of elections contesting the official declared results.

1933, c. 165, s. 8; 1947, c. 505, s. 4; 1955, c. 871, s. 5; 1959, c. 1203, s. 3.



## **ART. 15. CANVASS OF RETURNS FOR HIGHER OFFICES AND PREPARATION OF STATE ABSTRACTS**

**Sec. 93. STATE BOARD OF ELECTIONS TO CANVASS RETURNS FOR HIGHER OFFICES.** The State Board of Elections shall constitute the legal canvassing board for the State of all National, State and District offices, including the office of State Senator in those districts consisting of more than one county. No member of the State Board of Elections shall take part in canvassing the votes for any office for which he himself is a candidate.

1933, c. 165, s. 9.

**Sec. 94. MEETING OF STATE BOARD OF ELECTIONS TO CANVASS RETURNS OF THE ELECTION.** The State Board of Elections shall meet in the city of Raleigh on the Tuesday following the third Monday after each general election held in this State under the provisions of this chapter, in the Hall of the House of Representatives, at eleven o'clock a. m. for the purpose of canvassing the votes cast in all the counties of the State for all National, State and District officers and to determine whom they ascertain and declare by the count to be elected to the respective offices, and shall prepare abstracts of same as hereinafter provided. At this meeting, the Board shall examine the county abstracts, if they shall have been received from all of the counties, and if all have not been they may adjourn, not exceeding ten days for the purpose of obtaining the abstracts and returns from the missing counties, and when they have all been received the Board shall proceed with the canvass, which shall be conducted publicly in the Hall of the House of Representatives. In obtaining the abstracts from the counties whose abstracts have not been received by the date of this meeting, the Board is authorized to obtain from the Clerk of the Superior Court or the County Board of Elections, at the expense of such counties, the original abstracts or returns, or if they have been forwarded, copies of them. The State Board of Elections shall be authorized to enforce the penalties provided by law for the failure of a Clerk of a Superior Court or a Chairman of the County Board of Elections to comply with the law in making their returns of an election.

1933, c. 165, s. 9.

**Sec. 95. MEETING OF STATE BOARD OF ELECTIONS TO CANVASS RETURNS OF A SPECIAL ELECTION FOR CONGRESSMEN.** In all cases of special elections ordered by the Governor to fill vacancies in the representation of the State in Congress as provided for in section 105, the State Board of Elections may meet as soon as the chairman of said Board shall have received returns from all of the counties entitled to vote in said special elections for the purpose of canvassing the returns of said special election and for preparing an abstract of same. It shall be the duty of the Chairman of the State Board of Elections to fix the day of meeting which shall not be later than ten days after such elections, and it shall be the duty of all returning officers to make their returns promptly so that the same may be received within the ten days.

1933, c. 165, s. 9.

**Sec. 96. BOARD TO PREPARE ABSTRACTS AND DECLARE RESULTS OF ELECTIONS.** The State Board of Elections, at the conclusion of its canvass of the general election, shall cause to be prepared the following abstracts:.

1. Upon a single sheet an abstract of votes for President and Vice-President of the United States when an election is held for same.
2. Upon another sheet an abstract of votes for Governor and all State officers, Justices of the Supreme Court, Judges of the Superior Court, and United States Senators.



3. Upon another sheet an abstract of votes for Representatives to Congress for the several Congressional Districts in the State.
4. Upon another sheet an abstract of votes for Solicitor in the several judicial districts of the State.
5. Upon another sheet an abstract of votes for State Senators in the several Senatorial Districts in the State, where such districts are composed of more than one county.
6. Upon another sheet an abstract of votes for and against any Constitutional Amendments or Propositions submitted to the people.

These abstracts so prepared by said Board shall state the number of legal ballots cast for each candidate, the names of all persons voted for, for what office they respectively received the votes, the number of votes each receive, and whom said Board shall ascertain and judicially determine and declare by the count to be elected to the office. These abstracts shall be signed by the State Board of Elections in their official capacity and have the Great Seal of the State affixed thereto.

1933, c. 165, s. 9.

**Sec. 97. RESULTS CERTIFIED TO THE SECRETARY OF STATE; CERTIFICATE OF ELECTION ISSUED.** After the State Board of Elections shall have ascertained the result of the election as hereinbefore provided, they shall cause the result to be certified to the Secretary of State, who shall prepare a certificate for each person elected, and shall sign the same, which certificate he shall deliver to the person elected, when he shall demand the same.

The State Board of Elections shall also file with the Secretary of State the original abstracts prepared by it, also the original county abstracts to be filed in his office.

1933, c. 165, s. 9.

**Sec. 98. SECRETARY OF STATE TO RECORD ABSTRACTS.** The Secretary of State shall record the abstracts filed with him by the State Board of Elections in a book to be kept by him for recording the results of elections and to be called the Election Book, and shall also file the county abstracts.

1933, c. 165, s. 9.



**ART. 16. STATE OFFICERS, SENATORS AND CONGRESSMEN**

**Sec. 99. CONTESTED ELECTIONS—HOW TIE BROKEN.** The person having the highest number of votes for each office respectively, shall be declared duly elected thereto by the State Board of Elections, but if two or more be equal and highest in votes for the said office, then one of them shall be chosen by joint ballot of both houses of the General Assembly. In contested elections, the State Board of Elections shall certify to the Speaker of the House of Representatives a statement of such facts as the board has relative thereto and such contests shall be determined by joint vote of both houses of the General Assembly in the same manner and under the same rules as prescribed in cases of contested elections for members of the General Assembly.

1901, c. 89, s. 44; 1915, c. 121, s. 1; 1927, c. 260, s. 14; 1933, c. 165, s. 10.

**Sec. 100. REGULAR ELECTIONS FOR UNITED STATES SENATORS.** United States senators to fill vacancies caused by the expirations of regular terms shall be elected by the people at the last regular election before each vacancy shall occur, as now provided for State officers, and the tickets shall be furnished, blanks sent out and returns made as for State officers, and the returns canvassed and results declared in the same way.

1913, c. 114, s. 3.

**Sec. 101. GOVERNOR TO FILL VACANCIES UNTIL GENERAL ELECTION.** Whenever there shall be a vacancy in the office of United States senator from this State caused by death, resignation, or otherwise than by expiration of a term, the governor shall appoint to fill the vacancy till there shall be an election.

1913, c. 114, s. 1; 1927, c. 50; 1929, c. 12.

**Sec. 102. ELECTION OF SENATOR TO FILL UNEXPIRED TERM.** If such vacancy shall occur more than thirty days before any general State election, the Governor shall issue his writ for the election by the people, at the next general election, of a senator to fill the unexpired part of the term, and said election shall take effect from the date of the canvassing of the returns and the State Board of Elections may meet at the call of the chairman as soon as he shall have received returns from all of the counties and prepared an abstract of same for the purpose of canvassing the returns and certifying the results of said election.

1913, c. 144, s. 2; 1955, c. 871, s. 6.

**Sec. 103. CONGRESSIONAL DISTRICTS SPECIFIED.** For the purpose of selecting representatives to the Congress of the United States, the State of North Carolina shall be divided into eleven (11) districts as follows:

**FIRST DISTRICT:** Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Gates, Hertford, Hyde, Martin, Pasquotank, Perquimans, Pitt, Tyrrell, and Washington counties.

**SECOND DISTRICT:** Edgecombe, Franklin, Greene, Halifax, Lenoir, Northampton, Vance, Warren, and Wilson counties.

**THIRD DISTRICT:** Carteret, Craven, Duplin, Harnett, Jones, Onslow, Pamlico, Pender, Sampson, and Wayne counties.

**FOURTH DISTRICT:** Chatham, Davidson, Johnston, Nash, Randolph, and Wake counties.

**FIFTH DISTRICT:** Caswell, Forsyth, Granville, Person, Rockingham, Stokes, Surry, and Wilkes counties.

**SIXTH DISTRICT:** Alamance, Durham, Guilford, and Orange counties.



SEVENTH DISTRICT: Bladen, Brunswick, Columbus, Cumberland, Hoke, New Hanover, Robeson, and Scotland counties.

EIGHTH DISTRICT: Anson, Lee, Lincoln, Mecklenburg, Montgomery, Moore, Richmond, and Union counties.

NINTH DISTRICT: Alexander, Alleghany, Ashe, Cabarrus, Caldwell, Davie, Iredell, Rowan, Stanly, Watauga, and Yadkin counties.

TENTH DISTRICT: Avery, Burke, Catawba, Cleveland, Gaston, Mitchell, and Rutherford counties.

ELEVENTH DISTRICT: Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Polk, Swain, Transylvania, and Yancey counties.

1911, c. 97; 1931, c. 216; 1941, c. 3; 1961, c. 864.

**Sec. 104. ELECTION AFTER REAPPORTIONMENT OF CONGRESSMEN.** Whenever, by a new apportionment of representatives among the several states, the number of representatives in the Congress of the United States from North Carolina shall be either increased or decreased, and neither the Congress nor the General Assembly shall provide for the election of the same, then, if the said representatives shall be increased, the increased number shall be elected by the qualified voters of the whole State, and shall be voted for on one ballot, and the representatives from the several congressional districts shall be elected by the voters of said districts, respectively, and shall each be voted for on another ballot; but if the number of said representatives shall be decreased as aforesaid, in that event all the representatives in Congress shall be elected by the qualified voters of the whole State and shall be voted for on one ballot.

1901, c. 89, s. 58.

**Sec. 105. SPECIAL ELECTION FOR CONGRESSMEN; HOW CANDIDATES ARE NOMINATED.** If at any time after the expiration of any Congress and before another election, or if at any time after an election, there shall be a vacancy in the representation in Congress, the Governor shall issue a writ of election, and by proclamation shall require the voters to meet in the different townships in their respective counties at such times as may be appointed therein, and at the places established by law, then and there to vote for a representative in Congress to fill the vacancy; and the election shall be conducted in like manner as regular elections. In the event such vacancy occurs within eight months preceding the next succeeding general election, nominations of candidates in a special election for Representative in Congress to fill a vacancy may be made by the several political party Congressional Executive Committees in the district in which such vacancy occurs, for each political party respectively. It shall be the duty of the chairman and secretary of each political party Congressional Executive Committee making such a nomination of a candidate in a special election to immediately certify to the State Board of Elections the name and party affiliation of the nominee so selected prior to the printing of the special election ballots.

In the event such vacancy occurs more than eight months prior to the next succeeding general election, then a special primary election shall be called by the Governor. Such special primary election shall be conducted in accordance with the laws governing general primaries, except that the closing date for filing notices of authority with the State Board of Elections shall be fixed by the Governor in his call for the primary, and shall be for the purpose of nominating candidates, to be voted upon thereafter in a special election to be called by the Governor as hereinbefore provided in Paragraph 1 of General Statutes 163-105. The candidate elected in this special election shall fill such vacancy in the representation in Congress.

1901, c. 89, s. 60; 1947, c. 505, s. 5.



**Sec. 106. CERTIFICATE OF ELECTION FOR CONGRESSMEN.**  
Every person duly elected a representative to Congress, upon obtaining a certificate of his election from the Secretary of State, shall procure from the Governor a commission, certifying his appointment as a representative of the State, which the Governor shall issue on such certificate being produced.

1901, c. 89, s. 61.



## ART. 17. ELECTION OF PRESIDENTIAL ELECTORS

**Sec. 107. CONDUCT OF PRESIDENTIAL ELECTION.** The election of Presidential Electors shall be conducted and the returns made as nearly as may be directed in relation to the election of State officers, except as herein otherwise expressed.

1901, c. 89, s. 79; 1933, c. 165, s. 11.

**Sec. 108. ARRANGEMENT OF NAMES OF PRESIDENTIAL ELECTORS.** The names of candidates for electors of President and Vice-President of any political party or group of petitioners who has qualified under the provisions of Section 163-1 of the General Statutes of North Carolina as a political party shall not be placed on the ballot, but shall after nomination be filed with the Secretary of State. In place of their names there shall be printed first on the ballot the names of the candidates for President and Vice President, respectively, of each party or group of petitioners who have qualified under the provisions of Section 163-1 of the General Statutes of North Carolina as a political party and they shall be arranged under the title of the office. A vote for such candidates shall be a vote for the electors of the party by which such candidates were named and whose names have been filed with the Secretary of State.

1901, c. 89, s. 78; 1933, c. 165, s. 11.

**Sec. 109. HOW RETURNS FOR PRESIDENT SHALL BE MADE.** The County Board of Elections shall meet at the courthouse on the second day next after every election for President and Vice-President, and shall ascertain and determine the number of legal votes cast for the electors for President and Vice-President and shall prepare abstracts and make their returns to the State Board of Elections in the same manner as hereinbefore provided for State officers.

1901, c. 89, s. 80; 1927, c. 260, s. 16; 1933, c. 165, s. 11.

**Sec. 110. DECLARATION AND PROCLAMATION OF RESULTS BY STATE BOARD; CASTING OF STATE'S VOTES FOR PRESIDENT AND VICE-PRESIDENT.** The State Board of Elections shall canvass the returns for electors for President and Vice-President at the same time and place as hereinbefore required to be made for state officers, and an abstract for same shall be prepared and certified to the Secretary of State in the same manner.

The Secretary of State shall, under his hand and seal of his office, certify to the Governor the names of as many persons receiving the highest number of votes for electors of President and Vice-President of the United States as the state may be entitled to in the Electoral College. The Governor shall thereupon immediately issue his proclamation and cause the same to be published in such daily newspapers as may be published in the city of Raleigh, wherein he shall set forth the names of the persons duly elected as electors, and warn each of them to attend at the capitol in the city of Raleigh at noon on the first Monday after the second Wednesday in December next after his election, at which time the said electors shall meet, and then and there give their votes on behalf of the state of North Carolina for President and Vice-President of the United States. In case of the absence or ineligibility of any elector chosen, or if the proper number of electors shall for any cause be deficient, those present shall forthwith elect from the citizens of the state so many persons as will supply the deficiency, and the persons so chosen shall be electors to vote for the President and Vice-President of the United States. And the Governor shall, on or before the said first Monday after the second Wednesday in December, make out six lists of the names of the said persons so elected and appointed electors and cause the same to be delivered to them, as directed by the act of Congress.

1917, c. 176, s. 2; 1901, c. 89, s. 81; 1923, c. 111, s. 12; 1927, c. 260, s. 17; 1933, c. 165, s. 11; 1935, c. 143, s. 2; 6012.



**Sec. 111. PRESIDENTIAL ELECTORS; COMPENSATION.** Presidential electors shall receive, for their attendance at the meetings of said electors in the city of Raleigh, the sum of \$10.00 (ten dollars) per day and traveling expenses at the rate of 5¢ (five cents) per mile in going to and returning from said meeting.

1901, c. 89, s. 84; 1933, c. 5.

**Sec. 112. PENALTY FOR PRESIDENTIAL ELECTOR FAILING TO ATTEND AND VOTE.** Each elector, with his own consent previously signified, failing to attend and vote for a President and Vice-President of the United States, at the time and place herein directed (except in case of sickness or other unavoidable accident), shall forfeit and pay to the State five hundred dollars, to be recovered by the Attorney-General in the Superior Court of Wake County.

1901, c. 89, s. 83; 1933, c. 165, s. 11.



## ART. 18. MISCELLANEOUS PROVISIONS AS TO GENERAL ELECTIONS

**Sec. 113. AGREEMENTS FOR ROTATION OF CANDIDATES IN SENATORIAL DISTRICTS OF MORE THAN ONE COUNTY.** When any senatorial district consists of two or more counties, in one or more of which the manner of nominating candidates for legislative offices is regulated by statute, and the privilege of selecting the candidate for senator, or any one of the candidates for senator, of any political party (as the words "political party" are defined in the first section of this subchapter) in the senatorial district, is, by agreement of the several executive committees, representing that political party in the counties constituting the district, conceded to one county therein, such candidate may be selected in the same manner as the party's candidates for county officers in the county, whether in pursuance of Statute or under the plan of organization of such party. All nominations for party candidates for the office of senator, made as hereinbefore provided, shall be certified by the chairman of the county board of elections of the county in which the nomination is made, to each chairman of the county board of elections in all of the counties constituting the senatorial district, and it shall be the duty of each chairman of the other counties to which the nominations are certified to print the name or names of the nominee or nominees on the official county ballot for the general election.

1911, c. 192; 1947, c. 505, s. 6.

**Sec. 114. JUDGES AND SOLICITORS; COMMISSION; WHEN TERM BEGINS.** Justices of the Supreme Court, judges of the Superior Court, and solicitors shall be commissioned by the Governor, and their terms of office shall begin on the first day of January next succeeding their election. An election for officers whose terms shall be about to expire shall always be held at the general election next preceding the expiration of their terms of office.

1901, c. 89, s. 69.

**Sec. 115. REGISTRARS TO PERMIT COPYING OF POLL AND REGISTRATION BOOKS.** In any primary or general election held in this State, and at any time prior to the holding of such primary or general election, and while the registration and poll books shall be in the hands of any registrar, it shall be the duty of such registrar, on application of any candidate or the chairman of any political party, to permit said poll book or registration book to be copied; *Provided*, such poll book or registration book shall not be removed from the polling place if there, or the residence of such registrar, if there; *Provided, also*, it shall be lawful for such registrar himself to furnish to such applicant, in lieu of the books themselves, a true copy of the same, for which service he shall be entitled to receive two cents per name. Any person wilfully failing or refusing to comply with the provisions and requirements of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days.

1901, c. 89, s. 83; 1931, c. 80; 1959, c. 883.

**Sec. 115.1. COPIES OF REGISTRATION IN CERTAIN COUNTIES HAVING LOOSE-LEAF AND VISIBLE REGISTRATION SYSTEM AND PERMANENT REGISTRATION.** In counties having one or more municipalities, with a population in excess of 10,000 and in which a modern loose-leaf and visible registration system has been established as permitted by G. S. 163-43, with a full time and permanent registration as authorized by G. S. 163-31 and 163-31.2, it shall be the duty of the county board of elections, on application of any candidate, of the chairman of any political party, or any other person, to furnish a copy or copies of the registration. Such lists shall be furnished upon such cards, postal cards, or envelopes, and at such charges as may be fixed by such county board of elections. In



case the list is a partial or selected list by party affiliation, sex, color, date of registration, or any other selection the county board of elections may see fit to prescribe and make, the charge therefor may be based upon the total registration of the precinct or precincts from which such selected list is made, regardless of the number of selected names upon such list so made. In such county no registrar shall furnish registration lists or permit a copy of the registration.

1953, c. 843; 1955, c. 800.

**Sec. 116. FORMS FOR RETURNS SENT TO PROPER OFFICERS BY STATE BOARD OF ELECTIONS.** The State Board of Elections shall cause proper forms of returns to be prepared and printed, and send copies thereof, with plain directions as to the manner of endorsing, directing, and transmitting the same to the seat of government, to all of the returning officers of the State, at least thirty days before the time for holding any election. The said board shall also furnish to the clerk of the Superior Court of each county all such printed blanks as may be necessary for making of the county returns.

1901, c. 89, s. 43; 1921, c. 181, s. 5; 1927, c. 260, s. 18.



## SUBCHAPTER II. PRIMARY ELECTIONS

### ART. 19. PRIMARY ELECTIONS

**Sec. 117. DATE FOR HOLDING PRIMARIES.** On the last Saturday in May next preceding each general election to be held in November for State officers, Representatives in Congress, district officers in district composed of more than one county, and members of the General Assembly of North Carolina, or any such officers, there shall be held in the several election precincts within the territory for which such officers are to be elected a primary election for the purpose of nominating candidates of each and every political party in the state of North Carolina for such offices as hereinafter provided; and at such primary election next preceding the time for the election of a senator for this State in the Congress of the United States there shall likewise be nominated the candidate of each political party in this State for such office of United States senator.

This subchapter shall not apply to the nomination of candidates for Presidential Electors. Presidential Electors shall be nominated in a State Convention of each political party as defined in Section 163-1 unless otherwise provided by the plan of organization of such political party. One Presidential Elector shall be nominated from each Congressional District and two from the State at large.

1915, c. 101, s. 1; 1917, c. 218; 1939, c. 196; 1951, c. 1009, s. 2.

**Sec. 118. PRIMARIES GOVERNED BY GENERAL ELECTION LAWS.** Unless otherwise provided in this article, such primary elections shall be conducted, as far as practicable, in all things and in all details in accordance with the general election laws of this State, and all the provisions of this chapter and of other laws governing elections not inconsistent with this article shall apply as fully to such primary elections and the acts and things done thereunder as to general elections; and all acts made criminal if committed in connection with a general election shall likewise be criminal, with the same punishment, when committed in a primary election held hereunder.

1915, c. 101, s. 3; 1917, c. 218.

**Sec. 119. NOTICES AND PLEDGES OF CANDIDATES; WITH WHOM FILED.** Every candidate for selection as the nominee of any political party for the offices of Governor and all State officers, Justices of the Supreme Court, the Judges of the Superior Court, United States Senators, Members of Congress, and Solicitors to be voted for in any primary election shall file with and place in the possession of the State Board of Elections, by 12:00 o'clock noon on or before the Friday preceding the tenth Saturday before such primary election is to be held, a notice and pledge in the following form, the blanks being properly filled in and the same signed by the candidate:

"I hereby file my notice as a candidate for the nomination as \_\_\_\_\_ in the Primary Election to be held on \_\_\_\_\_. I affiliate with the \_\_\_\_\_ party, and I hereby pledge myself to abide by the results of said Primary, and to support in the next General Election all candidates nominated by the \_\_\_\_\_ party. I further pledge myself that if I am defeated in said primary, I will not run for any office as a write-in candidate in the next general election."

Every candidate for selection as the nominee of any political party for the office of State Senator in a Primary Election, Member of the House of Representatives, and all county and township offices shall file with and place in the possession of the County Board of Elections of the County in which they reside by 12:00 o'clock noon on or before the Friday preceding the sixth Saturday before such primary election is to be held a like notice and pledge. The Notice of Candidacy required by this section to be filed by a candidate in the primary must be signed personally by the candidate



himself or herself, and such signature of the candidate must be signed in the presence of the Chairman or Secretary of the Board of Elections with whom such candidate is filing, or a candidate must have his or her signature on the notice of candidacy acknowledged and certified to by any officer authorized to administer an oath. Any Notice of Candidacy of any candidate signed by an agent in behalf of a candidate shall not be valid. No person shall be permitted to file as a candidate of any political party in a party primary when such person, at the time of filing his or her notice of candidacy, is registered on the registration book as an affiliate of a different political party from that party in whose primary he or she is now attempting to file as a candidate. Any unregistered person who desires to become a candidate in a party primary may do so if such person signs a written pledge with the chairman along with the filing form that he or she will, during the registration period just prior to the next primary, register as an affiliate of the political party in whose primary he or she now intends to run as a candidate. Any person registered as an Independent, or with no party affiliation recorded in the registration book, shall not be eligible to file as a candidate in a primary election.

1915, c. 101, s. 6; 1917, c. 218; 1923, c. 111, s. 13; 1927, c. 260, s. 19; 1929, c. 26, s. 1; 1933, c. 165, s. 12; 1937, c. 364; 1947, c. 505, s. 7; 1949, c. 672, s. 4; 1951, c. 1009, s. 3; 1955, c. 871, s. 1; 1955, c. 755; 1959, c. 1203, s. 4.

#### **Sec. 120. FILING FEES REQUIRED OF CANDIDATES IN PRIMARY.**

At the time of filing a Notice of Candidacy for nomination for any Congressional or State office, including Judges of the Supreme Court and Superior Court and Solicitors, each candidate for such office shall pay to the State Board of Elections a filing fee of one percent of the annual salary of such office. At the time of filing a Notice of Candidacy for nominations for any legislative or county office, each candidate for such office shall pay to the County Board of Elections of the county of their residence a filing fee of one percent of the annual salary of such office: *Provided*, that all candidates for nomination for any county or township office operated on a fee basis shall pay to the county board of elections a flat filing fee as follows: county commissioner, ten dollars (\$10.00); county board of education, five dollars (\$5.00); sheriff, Clerk of the Superior Court and register of deeds, forty dollars (\$40.00), plus one per cent (1%) of the income of the office above four thousand dollars (\$4,000.00); and any other county office on a fee basis, twenty dollars (\$20.00), plus one per cent (1%) of the income of the office above two thousand dollars (\$2,000.00); township constable, ten dollars (\$10.00), plus one per cent (1%) of the income of the office above one thousand dollars (\$1,000.00); and justice of the peace, ten dollars (\$10.00), plus one per cent (1%) of the income of the office above one thousand dollars (\$1,000.00). The filing fees which shall be paid by candidates for a county or township office operated on a part salary and part-fee basis shall be one per cent (1%) of the first annual salary received and shall not include any fees received.

1915, c. 101, s. 4; 1917, c. 218; 1919, c. 139; 1927, c. 260, s. 20; 1933, c. 165, s. 12; 1939, c. 264, s. 2; 1959, c. 1203, s. 5.

**Sec. 121. FEES ERRONEOUSLY PAID REFUNDED.** Where a candidate erroneously files a notice of candidacy, accompanied by the proper sum of money, with the State Board of Elections, instead of with the local county board, and the money is paid into the State Treasury; or where a candidate files a notice, accompanied by the sum fixed by law, with the State Board, the money being paid into the State Treasury, and afterwards, but before the time for filing such notices, as fixed by law, shall have expired, he wishes to withdraw his candidacy, then, in both these cases, the money may be refunded to the candidate upon certificate from the chairman of the State Board of Elections that the facts exist which entitle him to such refunding. Upon such certificate, the Auditor shall give his warrant upon the Treasurer of the State, and the Treasurer shall pay the same.

1919, c. 50.

**Sec. 122. PAYMENT OF EXPENSE FOR PRIMARY ELECTIONS.** The expense of printing and distributing the poll and registration books,



blanks, ballots for those offices hereinafter provided to be furnished by the State, and the per diem and expense of the State Board of Elections while engaged in the discharge of the duties herein imposed, shall be paid by the State; and the expenses of printing and distributing the ballots hereinafter provided to be furnished by the counties, and the per diem and expenses of the County Board of Elections, and the registrars and judges of election, while engaged in the discharge of the duties herein imposed, shall be paid by the counties, as is now provided by law to be paid for performing the duties imposed in connection with other elections.

1915, c. 101, s. 7; 1917, c. 218; 1927, c. 260, s. 21; 1933, c. 165, s. 14.

**Sec. 123. REGISTRATION OF VOTERS.** The regular registration books shall be kept open before the primary election in the same manner and for the same time as is prescribed by law for general elections, and electors may be registered for both primary and general elections.

No person shall be entitled to participate or vote in the primary election of any political party unless he is a legal voter, or shall become legally entitled to vote at the next general election, and has first declared and had recorded on the registration book that he affiliates with the political party in whose primary he proposes to vote and is in good faith a member thereof, meaning that he intends to affiliate with the political party in whose primary he proposes to vote and is in good faith a member thereof.

Under this Section any person who will have become qualified by age or residence to register and vote in the general election for which the primary is held, even though not so qualified by age or residence by the date of the primary election, shall be entitled to register and vote in the said primary election if otherwise qualified; provided such person shall register while the registration books are open prior to the primary election in compliance with the provisions set forth in the above paragraph and in other registration requirements. No such person shall be permitted to register on the day of the first or second primary under this provision who fails to register during the regular registration period prior to such primary.

1915, c. 101, s. 5; 1917, c. 218; 1939, c. 263; 1959, c. 1203, s. 6.

**Sec. 124. NOTICES FILED BY CANDIDATES TO BE CERTIFIED; PRINTING AND DISTRIBUTION OF BALLOTS.** When the time for filing notices by candidates for nomination shall have expired, the chairman of the State Board of Elections shall, within three days thereafter, certify the facts as to such notices as have been filed with it to the Secretary of State; and in the senatorial districts composed of more than one county where there is no agreement as provided for in section 113, the chairman or secretary of the county board of elections of each county in such senatorial district shall, within three days after the time for filing such notice shall have expired, certify to every other chairman of the county board of elections in such senatorial district the names of all candidates who have filed notice of candidacy in their respective county for the office of the State Senator, and said chairman, acting under the direction of the State Board of Elections and under such rules and regulations as may be prescribed by it, shall, without delay, at the expense of the State, cause a sufficient number of official ballots to be printed for each political party having candidates to be voted for in the primary and distributed to the chairman of the county boards of elections in the several counties, upon which ballot shall appear the names of candidates who shall, under the provisions of this article, have filed notice of their candidacy and otherwise complied with the requirements of this article, except candidates for offices ballots for which are herein provided to be printed by the several county boards of elections, so that such ballots shall be received by the respective county boards of elections at least thirty days before the date of holding such primaries. The expense of printing and distributing such official ballots shall be paid by the State Treasurer out of funds appropriated to the State Board of Elections in accordance with the Executive Budget Act. Said ballots so printed by the State Board of Elections shall be for each of the several political parties in the State, as hereinafter



defined and described, and the names of the respective parties and the candidates shall be printed on the ballots prepared for the respective parties with which the candidates affiliate, and upon the ballots the office for which each aspirant is a candidate shall be indicated. Three days before the primary election the chairman of the county boards of elections shall distribute the official ballots to the several registrars in their respective counties and take a receipt therefor, and the registrars shall have them at the several polling places for the use of the electors at the time of holding the primary. Any election or other officer who shall accept appointment and who shall, without previously resigning, fail to perform in good faith the duties prescribed in this article, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, in the discretion of the court.

1915, c. 101, s. 8; 1917, c. 218; 1927, c. 260, s. 22.

**Sec. 125. ONLY OFFICIAL BALLOTS TO BE VOTED; CONTENTS AND PRINTING OF BALLOTS.** There shall be voted in primary elections only the official ballots furnished to the chairman of the county boards of election and by them to the registrars; and if other ballots be voted in a party primary, they shall not be counted. There shall be as many kinds of official ballots as there are political parties, members of which have filed notice of their candidacy for primary elections.

1915, c. 101, s. 9; 1917, c. 218.

**Sec. 126. HOW PRIMARY CONDUCTED; VOTER'S RIGHTS; POLLING BOOKS; INFORMATION GIVEN; OBSERVATION ALLOWED.** When an elector offers himself and expresses the desire to vote at a primary held under this article, he shall declare the political party with which he affiliates and in whose primary he desires to vote, as hereinbefore provided, and he shall then be furnished by the registrar ballots, as desired by him, of the political party with which he affiliates, which he may vote, and he shall not in such primary be allowed to vote a ticket marked with the name of any political party of which he has not declared himself to be a member as herein defined; but any one may at any time any elector proposes to vote challenge his right to vote in the primary of any party upon the ground that he does not affiliate with such party or does not in good faith intend to support the candidates nominated in the primary of such party, and it shall be the duty of the registrar and judges of election upon such challenge to determine whether or not the elector has a right to vote in said primary; *Provided*, that he may vote for candidates for all or any of the offices printed on such ballot, as he shall elect, and he shall be required to disclose the name of the political party printed thereon and no more. He may in the manner hereinbefore prescribed mark such names as he desires, and these and only these shall be counted as being voted for by him, and he shall have the right to so vote for only one candidate as his choice for each office. If he be a qualified elector and has elected to vote in the primary of a party of which he has declared himself to be a member, as provided herein, he may deposit his ballots in the proper ballot boxes, or he may permit the registrar or a judge of election to so deposit them for him.

At the time of voting, the name of the voter shall be entered on a primary polling book to be provided and kept for the purpose, under rules prescribed by the State Board of Elections, which said book shall be provided at the expense of the State for all State primaries and State elections and upon said book shall be entered, opposite the name of such voter and in proper column provided for the purpose, the name of the political party whose ticket he shall have voted, and said books shall be filed for safe-keeping until the next election, with the chairman of the County Board of Elections.

It shall be the duty of the county board of elections and of the judges and registrar in each precinct to make all necessary arrangements, by providing a proper number of places in each precinct whereby each voter shall have an opportunity, both at all primary and general elections, to arrange



his ballot in secret and without interference from any other person whatsoever; and it shall be the duty of the judges of election and registrars holding primary and general elections to give any voter any information he may desire in regard to the kind of ballot which he may be entitled to vote and the names of the candidates thereon, and, in response to questions asked by him, they shall communicate to him any information which he may so desire in regard to the kind of ballot which he may be entitled to vote and the names of the candidates thereon, and, in response to questions asked by him, they shall communicate to him any information necessary to enable him to mark his ballot as he desires.

At the written request of the chairman of any political party of any county, the judges and registrar of any precinct shall designate the name of some elector in each precinct, if there be such elector who affiliates with such political party, who shall be furnished the opportunity to observe the method of holding such primary election; but such elector shall in no manner interfere with the method of holding such election or interfere or communicate with or observe any voter in casting his ballot, but shall make such observation and notes of the manner of holding such election and the counting of the ballots as he may desire: *Provided*, nothing herein contained shall be constructed to prevent any elector from casting at the general election a free and untrammelled ballot for the candidate or candidates of his choice.

1915, c. 101, s. 11; 1917, c. 218; 1921, c. 181, s. 6; 1923, c. 111, s. 4; 1959, c. 1203, s. 7.

**Sec. 126.1. PERMANENT POLL RECORD IN CERTAIN COUNTIES HAVING LOOSE-LEAF AND VISIBLE REGISTRATION SYSTEM.** In counties having one or more municipalities, with a population in excess of 10,000 and in which a modern loose-leaf and visible registration system has been established as permitted by G. S. 163-43, separate poll books as required by G. S. 163-126 shall not be required and kept and in lieu thereof the county board of elections shall provide a permanent poll record to be kept upon the registration certificates in the form approved by the county board of elections.

1953, c. 843; 1955, c. 800.

**Sec. 127. COUNTING BALLOTS AND CERTIFYING RESULTS.** When the polls have been closed, the primary ballot boxes shall be opened in the presence of the registrar and both judges of election at the several precincts and such electors as may desire to be present: *Provided*, the registrars and judges may fix such space as they may consider reasonable and necessary to enable them to count the ballots. The ballots of each of the several parties in the boxes of each precinct shall be counted and bound in separate packages, and the result shall be certified to the proper county board of elections and by them to the State Board of Elections upon blanks to be provided by the State Board of Elections at the expense of the State, within the time and, as near as may be, in the manner provided for the certification of the result of general elections.

1915, c. 101, s. 12; 1917, c. 218.

**Sec. 128. NAMES OF CANDIDATES SUCCESSFUL AT PRIMARIES PRINTED ON OFFICIAL BALLOT; WHERE ONLY ONE CANDIDATE.** Only those who have filed notice of their candidacy and who shall have complied with the requirements of law applicable to candidates before primaries with respect to such primary elections shall have their names printed on the official ballot of their respective political parties. In all cases where only one aspirant for nomination for a particular political office to be voted for by his political party on the State or district ballot or, for the State Senate in districts composed of two or more counties shall have filed such notice, the Board of Elections of the State shall, upon the expiration of the time for filing such notices, declare him the nominee of his party, and his name shall not, therefore, be placed on the primary ballot, but shall be placed on the ballot to be voted at the general election as his party's candidate for such office.

1915, c. 101, s. 13; 1917, c. 218.



**Sec. 129. PRIMARIES FOR COUNTY OFFICES; CANDIDATES TO COMPLY WITH REQUIREMENTS.** At the time of holding primary elections for State officers, as hereinbefore provided, there shall likewise be held primary elections for the nomination of the candidates of the several political parties in the State for county offices; and no one shall be voted for in such primary elections for the nomination of candidates for county offices unless he shall have filed a notice with the appropriate county board of elections and shall have taken the pledge required of candidates filing notice with the State Board of Elections, as hereinbefore provided, and shall have otherwise complied with the requirements applicable to such candidates for nomination for State offices, except insofar as such requirements are modified by the provisions of this article with reference to candidates for primary nominations for county offices.

1915, c. 101, s. 14; 1917, c. 218.

**Sec. 130. PRIMARIES FOR COUNTY OFFICES; NOTICES OF CANDIDACY AND OFFICIAL BALLOTS.** The State Board of Elections, prior to the time fixed by law for the appointment of registrars and judges of primary elections, shall prescribe, print, and furnish to the several county boards of elections a sufficient number of notices to be filed by candidates desiring nomination for county offices, which said notices shall be substantially the same in form as those required to be filed by candidates for primary nominations for State offices as hereinbefore provided; and the several county boards of elections shall have printed and shall provide official ballots for county offices similar in form and otherwise to the ballots hereinbefore provided for State offices, and shall distribute the same to the several precincts in the manner and at the time hereinbefore prescribed in the case of State offices.

1915, c. 101, s. 15; 1917, c. 218.

**Sec. 131. PRIMARIES FOR COUNTY OFFICES, VOTING AND RETURNS.** In primary elections for the selection of candidates for county offices the voting shall be done in the manner hereinbefore prescribed for primary elections for State offices, and all the provisions herein contained governing primary elections for State offices shall apply with equal force to primary elections for county offices when not inconsistent with other provisions herein with reference to such primary elections for county officers; and the returns in such primary elections for county officers shall be certified to the appropriate county board of elections, which shall declare and publish the results.

1915, c. 101, s. 16; 1917, c. 218.

**Sec. 132. PRIMARY BALLOTS; PROVISIONS AS TO NAMES OF CANDIDATES PRINTED THEREON.** It shall be the duty of the State Board of Elections to print and furnish to the counties for Primary Elections a sufficient number of official ballots for each political party having candidates to be voted for in the Primary within the time prescribed for in section 124, which official ballots shall have printed thereon the names of candidates for the United States Senate, for the National House of Representatives, and for Governor and for all other State offices, with the exception of the office of Solicitor and Judge of the Superior Court. All of these candidates, ballots for which are required to be furnished by the State, may be printed on one form of ballot or they may be printed on a number of forms of ballots as may be decided by the State Board of Elections.

It shall be the duty of the County Board of Elections to print and furnish to the voting precincts in the county for primary elections a sufficient number of official ballots for each political party having candidates to be voted for in the primary within the time prescribed in section 124. which official ballots shall have printed thereon the names of candidates for the following offices in the order in which they are named and shall be known as the "Official Primary Ballot for Judge Superior Court, Solicitor, State Senator and County and Township Offices" when candidates for all of said



offices are participating in the primary within the county. Whenever there is no contest for any of the aforesaid offices, then such names will not appear on the county ballot. The County Board of Elections may print the Township ballot separate from the County ballot if it should so desire.

The ballots to be printed by the counties shall be of such width, color, form and printed in such type and on such paper as the State Board of Elections may direct.

It shall be the duty of the Chairman of the State Board of Elections to certify to the Chairman of the County Board of Elections in each county, by the fourth Saturday before each primary election, the names of such candidates for the nomination for Judge of Superior Court and Solicitor as have filed the required notice and pledge and filing fee with the State Board of Elections and entitled to have their names placed on the official County ballot, and it shall be the duty of each County Chairman to acknowledge receipt within two days after the receipt of the letter of certification to the Chairman of the State Board of Elections so that the State Chairman will know that each candidate's name has been properly certified and received.

1915, c. 101, s. 17; 1917, c. 218; 1933, c. 165, s. 16.

**Sec. 133. BOXES FOR COUNTY OFFICERS; HOW LABELED.** All ballots for nominations for county officers shall be deposited in the box labeled "Legislative Primary Box" hereinbefore provided for, which box, in addition to bearing the label "Legislative Primary Box," shall also immediately thereunder be labeled "County Primary Box."

1915, c. 101, s. 18; 1917, c. 218.

**Sec. 134. SOLE CANDIDATE DECLARED NOMINEE.** In all cases where only one aspirant for nomination by the party with which he affiliates for the State Senate in districts composed of only one county or for the House of Representatives of the General Assembly or for a county office shall have filed the notice of candidacy in this article required, the county board of elections shall, upon the expiration of the time fixed for filing such notice, declare him the nominee of his party, and his name shall therefore not be placed on the primary ballot, but shall be placed upon the ballot to be voted at the general election as his party's candidate for such office.

1915, c. 101, s. 19; 1917, c. 218.

**Sec. 135. PRIMARIES FOR TOWNSHIP AND PRECINCT OFFICERS.** The several County Boards of Elections shall provide for holding in their respective counties primary elections for the choice of candidates for the nomination for township and precinct officers, which primary elections shall be held at the same time and places as the primaries for County officers; *Provided*, that in the counties exempt from the operation of the Primary Law for the nomination of County officers, Township officers may also be nominated in the same manner as county officers within such counties. The expenses for holding primaries for township officers shall be paid for by the counties.

1915, c. 101, s. 20; 1917, c. 218; 1933, c. 165, s. 17.

**Sec. 136. RETURNS OF PRECINCT PRIMARIES; PRESERVATION OF BALLOTS.** The registrar and judges of election at each precinct in the State of North Carolina shall certify upon blanks prepared and printed by the State Board of Elections and distributed through the county board of elections to the election officers of each of the several precincts the result of the primary election of each precinct; and there shall be made by the judges of election and registrar at each precinct two copies of their returns, one copy of which shall be filed by them with the clerk of the court of their county for public inspection, and one shall be filed with the county board of elections to be kept on file by it; and it shall be the duty of the judges and registrars to preserve and keep for two months after each election the original ballots cast at such election, which ballots, after being



counted, shall be placed in bundles, a separate and distinct bundle to be made of the ballots of each and every political party cast in each of the boxes, and each box in which ballots were cast shall be carefully sealed up before the election officers shall separate, so that nothing put in may be taken from them, and the signatures of the registrar and judges of each precinct shall be inscribed at the same time on a seal placed on each box of the precinct, and no box shall be opened except upon the written order of the county board of elections or a proper order of court. The State Board of Elections, in preparing the printed form for returns to be made by the judges and registrars of the several precincts to the county boards of elections, and in preparing the forms for the returns to be made by the county boards of elections to the State Board of Elections of the result of primary elections, shall prepare them in such form as will show the number of votes cast for each candidate for nomination for office.

1915, c. 101, s. 21; 1917, c. 179, s. 1; 1917, c. 218; 1923, c. 111, s. 15.

**Sec. 137. COUNTY BOARD TABULATES RESULT OF PRIMARIES; RETURNS IN DUPLICATE.** The county boards of elections of the several counties shall tabulate the returns made by the judges and registrars of the several precincts in their respective counties with reference to candidates in the primaries, so as to show the total number of votes cast for each candidate of each political party for each office, and, when thus compiled on blanks to be prepared and furnished by the State Board of Elections for the purpose, these returns, in the case of officers other than the State Senate in districts composed of only one county, the House of Representatives and county offices, shall be made out for each county in duplicate and one copy shall be forwarded to the State Board of Elections and one copy shall be filed with the clerk of the Superior Court of the county from which such returns are made; in the case of member of the State Senate in district composed of only one county, member of the House of Representatives and county officers, such returns shall be made out in duplicate, and one copy thereof filed with the clerk of the Superior Court and one copy retained by the county board of elections, which shall forthwith, as to such last mentioned offices, publish and declare the results.

1915, c. 101, s. 21½; 1917, c. 218.

**Sec. 138. STATE BOARD TABULATES RETURNS AND DECLARES NOMINEES.** The State Board of Elections shall compile and tabulate the returns for each candidate for each office for each political party voted for in the primary except in cases in which it is in this article provided that the result shall be declared by the several county boards of election, and if a majority of the entire votes cast for all the candidates of any political party for a particular office shall be for one candidate, he shall be declared by the State Board of Elections the nominee of his political party for such office.

1915, c. 101, s. 22; 1917, c. 218.

**Sec. 139. RETURNS OF ELECTION BOARDS TO BE UNDER OATH.** The chairman or secretary of each of the county boards of elections and the chairman or secretary of the State Board of Elections shall file with all returns and declarations of results of election required by law to be filed by such boards an affidavit that the same are true and correct according to the returns made to them; and a judge of election or registrar shall accompany the precinct returns as to results of primary elections with an affidavit that the same are true and correct, according to the votes cast and correctly counted by them.

1915, c. 101, s. 23; 1917, c. 218.

**Sec. 140. WHEN RESULTS DETERMINED BY PLURALITY OR MAJORITY; SECOND PRIMARIES; TIE VOTE.** In the case of all officers mentioned in this article nominations shall be determined by a majority of the votes cast.

If in the case of an office no aspirant shall receive a majority of the votes cast, a second primary, subject to the condition hereinafter set out,



shall be held in which only the two aspirants who shall have received the highest and next highest number of votes shall be voted for: *Provided*, that if either of such two shall withdraw and decline to run and shall file notice to that effect with the appropriate board of elections, such board shall declare the other aspirant nominated. *Provided further*, that unless the aspirant for any legislative, county or township office receiving the second highest number of votes shall, by twelve o'clock noon on the fifth day after the result of the first primary election shall have been officially declared, and such aspirant has been notified by the chairman or secretary of the appropriate county board of elections, file in writing with the appropriate county board of elections a request that a second primary be called and held, the aspirant receiving the highest number of votes cast shall be declared nominated by the county board of elections; or unless the aspirant for any district or State office, who is required by law to file with the State Board of Elections, and who receives the second highest number of votes shall, by twelve o'clock noon on the third day after the result of the first primary election shall have been officially declared, and such aspirant has been notified by the chairman or secretary of the State Board of Elections, file in writing or by telegram with the State Board of Elections a request that a second primary be called and held, the aspirant receiving the highest number of votes cast shall be declared nominated by the State Board of Elections.

If a second primary be ordered by the State or a county board of elections, it shall be held four weeks after the first primary, in which case such second primary shall be held under the same laws, rules, and regulations as are provided for the first primary, except that there shall be no further registration of voters other than such as may have become legally qualified after the first primary election, and such persons may register on the day of the second primary, and shall be entitled to vote therein under the provisions of this article.

If a nominee for a single office is to be selected, with more than one candidate, then the majority within the meaning of this section shall be ascertained by dividing the total vote cast for all candidates by two, and any excess of the sum so ascertained shall be a majority within the meaning of this section.

If nominees for two or more offices (constituting a group) are to be selected and there are more candidates for nomination than there are such offices, then the majority within the meaning of this section shall be ascertained by dividing the total vote cast for all of such candidates by the number of positions to be filled, and then dividing the result by two. Any excess of the sum so ascertained, shall be the majority within the meaning of this section. If in ascertaining the result in this way, it appears that more candidates have obtained this majority than there are positions to be filled, then those having the highest vote, if beyond the majority just defined, shall be declared the nominees for the positions to be filled.

Where candidates for all the offices within such group do not receive a majority as defined and set out in this section, those candidates equal in number to the positions to be filled and having the highest number of votes shall be declared nominated unless a second primary shall be demanded, which may be done by any one or all of the candidates equal in number to the positions remaining to be filled and having the second highest number of votes. When any one or all of such candidates in the group receiving the second highest number of votes demand a second primary, such second primary shall be held and the names of all those candidates in the group receiving the highest number of votes and all those in the group receiving the second highest number of votes and demanding a second primary shall be put on the ballot for such primary. In no case shall there be a third primary, but the candidates receiving the highest number of votes in the second primary shall be nominated.

In the event of a tie vote between two candidates for party nomination for a legislative, county or township office in the first primary, a recount of the votes for both candidates shall be made by the county board of elections



in the county in which the two candidates were voted for, and the results of said recount shall be declared by the county board of elections. If such recount should still result in a tie vote, then a second primary shall be had on the date prescribed for holding second primaries between the two candidates having an equal vote, unless one of the two candidates should withdraw and file a written notice of withdrawal within three days thereafter with the proper board of elections with which the candidate filed his notice of candidacy. In the event of a tie vote in a primary election between two candidates for any district or State office, or for United States Senator, no recount shall be held by reason of the tie, but the two candidates having a tie vote shall be entered in a second primary to be held on the prescribed date for second primaries, unless one of the two candidates files a notice of withdrawal with the State Board of Elections within three days after the results of the first primary have been officially declared and published. If in any second primary there is a tie vote between any two candidates, no third primary shall be held, but the proper party executive committee shall select the party nominee for such office in accordance with the provisions of G. S. 163-145.

In the event of a tie vote between more than two candidates, all of whom received the same highest vote for party nomination, no recount shall be held, but all of such candidates shall run in a second primary and the one who receives the highest vote in the second primary shall be the nominee.

In the event one candidate receives the highest number of votes cast, but short of a majority, and two or more other candidates receive the second highest number of votes cast in an equal number, then unless all but one of the tied candidates receiving the second highest number of votes withdraw in writing within three days after the official declaration of the results of the primary, the proper board of elections shall declare the candidate having the highest vote as the party nominee. If all but one of the candidates receiving the second highest vote withdraw in writing within the three-day period herein prescribed, and such remaining candidate demands in writing a second primary, then a second primary shall be held between the candidates receiving the highest vote and the remaining candidate who received the second highest vote.

1915, c. 101, s. 24; 1917, c. 179, s. 2; 1917, c. 218; 1927, c. 260, s. 23; 1931, c. 254, s. 17; 1959, c. 1055; 1961, c. 383.

**Sec. 141. ATTORNEY GENERAL TO AID BOARDS BY ADVICE AND AS TO FORMS.** In the preparation and distribution of ballots, poll books forms of returns to be made by registrars and judges, and forms of the returns to be made by the county boards of elections to the State Board of Elections and to be made by the State Board of Elections, and all other forms, it shall be the duty of the State Board of Elections to call to its aid the Attorney-General of the State of North Carolina, and it shall be the duty of the Attorney-General to advise and aid in the preparation of all such ballots, books, and forms.

1915, c. 101, s. 25; 1917, c. 218.

**Sec. 142. RETURNS, CANVASSES, AND OTHER ACTS GOVERNED BY GENERAL ELECTION LAW.** The returns to be made by the registrars and judges as to the results of primary elections, and the canvassing by the county boards of elections of such results and declarations of such results, and the reports to be made by the county boards of elections to the State Board of Elections and other acts and things to be done in ascertaining and declaring the results of primary elections, unless otherwise provided herein, shall be done within the time before or after the primary election, and, as near as may be, under the circumstances prescribed for like acts and things done with reference to a general election, unless such acts and things prescribed to be done within certain times under the general election law shall, with respect to primary elections, be changed by general rules promulgated by the State Board of Elections for what may seem to them a good cause.

1915, c. 101, s. 26; 1917, c. 218.



**Sec. 143. ELECTION BOARD MAY REFER TO BALLOT BOXES TO RESOLVE DOUBTS.** When, on account of errors in tabulating returns and filling out blanks, the result of an election in any one or more precincts cannot be accurately known, the county board of elections and the State Board of Elections shall be allowed access to the ballot boxes in such precincts to make a recount and declare the results, which shall be done under such rules as the State Board of Elections shall establish to protect the integrity of the election and the rights of the voters.

1915, c. 101, s. 27; 1917, c. 218; 1949, c. 671, s. 2.

**Sec. 144. POLITICAL PARTY DEFINED FOR PRIMARY ELECTIONS.** A political party within the meaning of the primary law shall mean any political group of voters which, at the last preceding general election, polled at least ten percent of the total vote cast therein for such offices as are described in Section 1.

1915, c. 101, s. 31; 1917, c. 218; 1933, c. 165, s. 17.

**Sec. 145. FILLING VACANCIES AMONG CANDIDATES.** In the event that any person nominated in any primary election, or a person who has been declared nominated without opposition after the time for filing notice of candidacy has expired, as the candidate of a political party for a State Office, including the office of U. S. Senator, shall die, resign or for any reason become ineligible or disqualified before the date of the ensuing general election, the vacancy in the nomination caused thereby shall be filled by the action of the State Executive Committee of such political party in which the vacancy occurred; in the event of such a vacancy in the nomination of a candidate for a district office, including the offices of Representative in the Congress of the United States, Judge of the Superior Court, Solicitor or State Senator in a Senatorial District composed of more than one county, the same shall be filled by the action of the appropriate executive committee for such district of such political party in which the vacancy occurred; and in the event of such vacancy in the nomination of a candidate for a county office, or the State House of Representatives, or the State Senate in a district composed of only one county, and including the county entitled to furnish the Senator under a rotation agreement as provided for in Section 163-113 G. S., the same shall be filled by the action of the executive committee of the party affected thereby in the county wherein such vacancy occurred; provided that where the general election ballots have already been printed before the vacancy occurs then Section 163-153 shall apply. Provided that except in case of the death of a candidate who is required by law to file his Notice of Candidacy with a County Board of Elections no substitution of candidates may be made after the primary or convention except by order of the County Board of Elections for good cause shown.

In the event that any vacancy in any elective office, except a county office other than the office of Clerk of Superior Court, should occur at any time within ten days prior to the closing of the filing time as now prescribed by law for the office in which such vacancy occurs or after such closing of the filing time and thirty days prior to the next general election, a nomination shall be made by the proper executive committee of all political parties as above provided, and the names of the party candidates so nominated shall be printed on the official general election ballots, provided that where the general election ballots have already been printed before the vacancy occurs, then the provisions of Section 163-153 shall apply; and in the event of any such vacancy arising in any elective office more than ten days prior to the closing of the filing time, as now prescribed by law, for candidates to file for the office affected, nominations of party candidates for such office shall be made in the ensuing primary election, and all candidates for said office shall file their notices of candidacy with the proper Board of Elections as is provided for in Sections 163-119 and 163-120 of the General Statutes; provided that in all special elections held for Congressmen the provisions of Section 163-105 G. S. shall apply.

In the event of a vacancy in the office of a Clerk of a Superior Court



within thirty days prior to a general election, then the nomination of a party candidate shall be made by the County Executive Committee.

1915, c. 101, s. 33; 1917, c. 179, s. 3; 1917, c. 218; 1923, c. 111, s. 16; 1955, c. 574; 1957, c. 1242.

**Sec. 145.1. DEATH OF CANDIDATE PRIOR TO PRIMARY ELECTION; FILLING VACANCY; PROCEDURE.** (a) Whenever any candidate of a political party for nomination to any office in a primary election shall die before the primary ballots have been printed, or if printed and there is sufficient time left in the opinion of the proper Board of Elections to reprint the ballots before the primary, and there was only one other candidate filed for the same office of the same political party, then the Board of Elections with whom such deceased candidate filed shall immediately upon receiving notice of the death of such candidate, reopen the filing time for filing notices of candidacy for the same office, for a period of five (5) days. The names of all candidates of the same party as that of the deceased candidate who filed for such office during the period in which the filing time was reopened and who paid the proper filing fees, shall be printed on the primary ballots along with the other one candidate for the same office who had filed the first filing period, and shall be voted for in the first regular primary election.

(b) Whenever any candidate of a political party for nomination to any office in a primary election shall die after the primary ballots for that office have been printed, and in the opinion of the proper Board of Elections there is not sufficient time left to reprint the ballots for that office for the primary, and regardless of whether one or more candidates has filed for nomination to such office in the same party, then the primary ballots shall not be reprinted, and the name of the candidate who had died since the ballots were printed shall remain on the primary ballot along with all the other party candidates for nomination to said office. In the event that the highest number of votes cast in the primary were for the deceased candidate, even though short of receiving a majority of the votes cast, the proper party executive committee shall appoint the party nominee under the provisions of Section 163-145 of the General Statutes of North Carolina. In the event that no candidate for such office received a majority of the votes cast in the first primary after one of the candidates had died, and the second highest vote short of a majority was cast for the deceased candidate in that primary, then it shall be considered as favoring the candidate receiving the highest vote in the first primary, and the candidate receiving the highest vote, even if short of a majority, shall be declared the party nominee to such office by the proper Board of Elections without a second primary being held.

1959, c. 1054.

**Sec. 146. CONTESTS OVER PRIMARY RESULTS.** All contests over the results of a primary election shall be determined according to the law applicable to similar contests over the results of a general election.

1933, c. 165, s. 19.

**Sec. 147. NOTICE OF CANDIDACY TO INDICATE VACANCY; VOTES ONLY EFFECTIVE FOR VACANCY INDICATED.** In any primary when there are two or more vacancies for chief justice and associate justices of the Supreme Court of North Carolina, or two vacancies in the United States Senate from North Carolina to be filled by nominations all candidates shall file with the State Board of Elections at the time of filing notice of candidacy a notice designating to which of said vacancies the respective candidate is asking the nomination. All votes cast for any candidate shall be effective only for the vacancy for which he has given notice of candidacy, as provided herein.

1921, c. 217; 1949, c. 932.



**SUBCHAPTER III. GENERAL ELECTION LAWS****ART. 20. ELECTION LAWS OF 1929**

**Sec. 148. APPLICABLE TO ALL SUBDIVISIONS OF STATE.** The provisions of this article shall be applicable to all counties, cities, towns, townships and school districts in the State of North Carolina, without regard to population or number of inhabitants thereof.

1929, c. 164, s. 2.

**Sec. 149. PREPARATION AND DISTRIBUTION OF BALLOTS; DEFINITIONS.** All ballots cast in general elections for national, State, county, municipal and district officers in the towns, counties, districts, cities and other political divisions, and in primaries for the nomination of candidates for such offices, shall be printed and distributed at public expense. The printing and distribution of all ballots other than the county or local ballots hereinafter designated and the ballots for elections in cities and towns and the ballots for elections on bonds or other local measures, shall be arranged and handled by the State Board of Elections and shall be paid for by the State; and the printing and distribution of ballots in all county and local elections or primaries shall be arranged and handled by the County Board of Elections and shall be paid for by the respective counties; the printing and distribution of ballots in all municipal elections shall be arranged and handled by municipal authorities conducting such elections or primary and shall be paid for by such municipality. The term "State elections" as used in this article shall apply to any elections held for the choice of Presidential Electors, United States Senators, State, county or district officer or officers. The term "National elections" shall apply to any member of Congress of the United States. The term "city election" shall apply to any municipal election so held in a city or town, and the term "city officers" shall apply to any person to be chosen by the qualified voters at such an election.

1929, c. 164, s. 3.

**Sec. 150. APPLICABLE TO ALL ISSUES SUBMITTED TO PEOPLE; FORM OF BALLOT.** This article shall apply to and control all elections for the issuance of bonds and to all other elections in which any question or issue is submitted to a vote of the people. And the form of ballot in such election shall be a statement of the question, with provisions to be answered "Yes" or "No" or "For" or "Against" as the case may be.

1929, c. 164, s. 4.

**Sec. 151. BALLOTS, PROVISIONS AS TO; NAMES OF CANDIDATES AND ISSUE.** The ballots printed for use under the provisions of this article shall be printed and delivered to the County Boards of Elections at least thirty days previous to the date of election, and shall contain the names of all candidates who have been put in nomination by any primary, convention, mass meeting, or other assembly of any political party in this State or have duly filed notice of their independent candidacy, and all questions or issue to be voted on. It shall be the duty of the County Board of Elections to have printed all necessary ballots for use under the provisions of this article for county, township, and district elections. It shall be the duty of the State Board of Elections to have printed all necessary ballots for use under the provisions hereof for State and national elections, constitutional amendments and propositions submitted to the vote of the people. Provided, that in printing the names of the candidates on all primary and general election ballots, only the legal name of the candidate as same appears on the notice of candidacy form shall appear on the ballots, and no appendage such as doctor, reverend, judge, etc., may be used either before or following the name of any candidate, except that a married woman may use the prefix "Mrs." or a single woman may use the prefix "Miss" before her name if she elects to do so.

1929, c. 164, s. 5; 1945, c. 972, s. 1; 1957, c. 1264.



**Sec. 152. INDEPENDENT CANDIDATES PUT UPON BALLOT, UPON PETITION.** The boards of election shall cause to be printed upon said ballots as an independent or non-partisan candidate, the name of any qualified voter who has been requested to be a candidate for office by written petition signed by at least twenty-five per cent of those entitled to vote for a candidate for such office according to the vote cast in the last gubernatorial election in the political division in which such candidate may be voted for, when such petition is accompanied by an affidavit from such proposed candidate that he seeks to become an independent or non-partisan candidate and does not affiliate with any political party: *Provided*, such petition is filed with said Board of Elections at or before the time prescribed by law for the nomination of candidates by the political parties within the particular political division. The written petition provided herein, in municipal elections, shall be signed by at least twenty-five (25%) per cent of the votes cast for the candidate running, in the last municipal election, for the particular office.

1929, c. 164, s. 6; 1931, c. 223, s. 1; 1935, c. 236, ss. 2 and 3.

**Sec. 153. BECOMING CANDIDATE AFTER THE OFFICIAL BALLOTS HAVE BEEN PRINTED: PROVISION AS TO BALLOTS.** If any candidate dies or resigns, or otherwise becomes disqualified after his name has been printed on an official election ballot, and if any person is nominated, as authorized by law, to fill such vacancy, then the name of the candidate so nominated to fill said vacancy shall not be printed upon said ballots, but the name of such candidate so nominated shall be certified by the party executive committee making the nomination to the chairman of the board of elections charged with the duty of printing such ballots, and a vote cast by a voter for the name of the candidate printed on the ballot who has either died or resigned, shall be counted as a vote for the candidate nominated to fill such vacancy and whose name is on file with said board of elections. After the official ballots have been printed by the proper election board the death or resignation of a candidate whose name is printed on the official ballot, shall not cause the said board of elections to reprint the official ballots. *Provided*, that the board of elections having jurisdiction over the printing and distribution of the ballots concerned may cause said ballots to be reprinted and be substituted in all respects for the first printed ballots if, in its judgment, such substitution is feasible and advisable.

1929, c. 164, s. 7; 1931, c. 254, s. 1; 1947, c. 505, s. 8.

**Sec. 154. WITHDRAWAL OF CANDIDATE.** After the proper officer has been notified of the nomination, as hereinbefore specified, of any candidate for any office, he shall not withdraw same unless upon the written request of the candidate so nominated, made at least thirty days before the day of the election.

1929, c. 164, s. 8.

**Sec. 155. NUMBER OF BALLOTS; WHAT BALLOTS SHALL CONTAIN; ARRANGEMENT.** There shall be seven kinds of ballots, called respectively: official ballot for Presidential Electors; official ballot for United States Senator; official ballot for members of Congress; official State ballot; official county ballot; official township ballot; and official ballot on constitutional amendments or other proposition submitted. In addition to these, there shall be a definite form of ballot for primary elections as hereinafter provided and a ballot for municipal elections as hereinafter provided. *Provided, further*, that the State Board of Elections, or the County Board of Elections may, in their discretion, combine any one or more of the ballots for either the Primary or the General Election. The ballots herein provided for shall be used for the purpose for which their names severally indicate, and not otherwise, that is to say:

(a). On the official Presidential ballot, the names of candidates for electors of President and Vice-President of the United States of any political party or group of petitioners, who have qualified under the provisions of



Section 163-1 of the General Statutes of North Carolina as a political party shall not be placed on the ballot, but shall after nomination, be filed with the Secretary of State. In place of their names, there shall be printed first on the ballot the names of the candidates for President and Vice-President of the United States respectively, of each such political party or group of petitioners, who have qualified under the provisions of Section 163-1 of the General Statutes of North Carolina as a political party and they shall be arranged under the title of the offices. The party columns shall be separated by black ink lines. At the head of each party column shall be printed the party name in large type and below this a circle one-half inch in diameter, below this the names of the candidates for President and Vice-President in the order prescribed. Each party circle shall be surrounded by the following instructions plainly printed: "For a straight ticket, mark within this circle."

If the State Board of Elections, in its discretion, should combine the Presidential ballot with some other kind of ballots, such as the State, Senatorial, or Congressional ballots, then in that event, there shall be printed at the left of the names of such candidates for President and Vice-President of each party or group, a single voting square large enough so that a voter, desiring to vote for candidates for other officers of another party, may vote for the candidates for President and Vice-President together in the one single square. When the Presidential ballot is combined with another ballot, instruction number two on the State ballot shall be included with the instructions given herein for the Presidential ballot.

On the face of the ballot, at the top, shall be printed in heavy black type the following instructions:

1. To vote a straight ticket, make a cross (X) mark in the circle of the party you desire to vote for.
2. A vote for the names of candidates for President and Vice-President is a vote for the Electors of that party, the names of whom are on file with the Secretary of State.
3. If you tear or deface or wrongly mark this ballot, return it and get another.

On the bottom of the ballot shall be printed the following:

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Facsimile of signature of Chairman of State Board of Elections.

(aa). On the official ballot for United States Senator the names of the nominees or candidates for United States Senator, of each party, and of each independent candidate, if any, shall be printed and so arranged in columns as to show above such names the party with which all such nominees or candidates are affiliated. At the head of each party column shall be printed the party name in large type, and below this a circle one-half inch in diameter, and below this the names of the respective nominees, or independent candidates, if any. At the left of each name shall be printed a voting square, and all voting squares shall be arranged in the same perpendicular line. Each party circle shall be surrounded by the following instructions plainly printed: "For a straight ticket mark within this circle." The column for any independent candidate or candidates shall be similar to the party columns, except that at the top of said column there shall be printed the words "Independent Candidates." The columns shall be arranged upon the ballots as directed by the State Board of Elections, as to all ballots herein required to be printed, and distributed by such State Board of Elections, and by the county board of elections with respect to all ballots required to be printed and distributed by the county board of elections. On the face of the ballot, at the top, shall be printed in heavy type, the following instructions:

1. To vote a straight ticket, make a cross (X) mark in the circle of the party you desire to vote for.



2. If you tear or deface or wrongly mark this ballot, return it and get another.

On the bottom of the ballot shall be printed the following:

-----  
Facsimile of signature of Chairman of State Board of Elections.

(aaa). On the official ballot for members of Congress, the names of the nominees of candidates for members of Congress, of each party, and of each independent candidate, if any, shall be printed and so arranged in columns as to show above such names the party with which all such nominees or candidates are affiliated. At the head of each party column shall be printed the party name in large type, and below this a circle one-half inch in diameter, and below this the names of the respective nominees, or independent candidates, if any. At the left of each name shall be printed a voting square, and all voting squares shall be arranged in the same perpendicular line. Each party circle shall be surrounded by the following instructions plainly printed: "For a straight ticket mark within this circle." The column for any independent candidate or candidates shall be similar to the party columns, except that at the top of said column there shall be printed the words: "Independent Candidates." The column shall be arranged upon the ballots as directed by the State Board of Elections, as to all ballots herein required to be printed and distributed by such State Board of Elections, and by the county board of elections, with respect to all ballots required to be printed and distributed by the county board of elections. On the face of the ballot, at the top, shall be printed in heavy type, the following instructions.

1. To vote a straight ticket, make a cross (x) mark in the circle of the party you desire to vote for.
2. If you tear or deface or wrongly mark this ballot, return it and get another.

On the bottom of the ballot shall be printed the following:

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Facsimile of signature of Chairman of State Board of Elections.

(b). On the official State ballot shall be printed the names of all candidates for State public offices, including candidates for judges of the Superior Court, and all other candidates for State offices not otherwise provided for. The names of all such State candidates to go upon the said official ballot which is herein provided, of each party and group of independent candidates, if any, shall be printed in one column and the party column shall be parallel and shall be separated by distinct black lines. At the head of each party column shall be printed the party name and under this shall be a blank circle one-half of an inch in diameter, which party circle shall be surrounded by the following instructions plainly printed: "For a straight ticket, mark within this circle." The columns for the independent candidates shall be similar to the party columns, except that above each column shall be printed the words "Independent Candidate." In each party column the names of all nominees of that party shall be printed in the customary order of the office, and the names of all candidates of each party for any one office shall be printed in a separate section, and at the top of each section shall be printed on one line the title of the office and a direction as to the number of candidates for whom a vote may be cast, unless there shall not be room for the direction, in which case it shall be printed directly below the title. If two or more candidates are nominated for the same office for different terms, the term for which each is nominated shall be printed as a part of the title for the office. Each section shall be blocked in by black lines and the voting squares shall be set in a perpendicular column or columns to the left of each candidates name. The printing on said ballot shall be plain and legible, and in no case shall it exceed in size ten point type.



On the face of the ballot, at the top, shall be printed in heavy type, the following instructions:

1. To vote a straight party ticket, make a cross (X) mark in the circle of the party you desire to vote for.
2. To vote a split ticket, or in other words for candidates of different parties, omit making a cross mark (X) in the party circle at the top of the ballot and mark in the voting square opposite the name of each candidate on the ballot for whom you wish to vote.
3. If you should mark in the party circle at the top of the ballot and also mark opposite the name of any candidate of any party, such ballot shall be counted as a straight party vote for all of the candidates of the party whose name the cross mark (X) is placed in the party circle.

On the bottom of the ballot shall be printed the following:

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Facsimile of signature of Chairman of State Board of Elections.

The instructions hereby given for the State ballot shall be used when there are two or more State offices to be filled at an election, or when two or more kinds of ballots as herein given are printed on one ballot.

(c). On the official county ballot shall be printed the names of all candidates for solicitor for the solicitorial district in which the county is situated; for members of the General Assembly, and all the county offices. It shall conform as nearly as possible to the rules prescribed for printing the State Official ballot, but on the bottom thereof shall be printed the following:

-----  
Facsimile of signature of Chairman of State Board of Elections.

(d). The township ballot shall contain the names of the candidates for constable and justices of the peace, and the municipal ballot shall contain the names of all offices to be filled in the municipality at the election for which the ballot is to be used, and shall conform as near as may be to the provisions herein set out with respect to the county ballot.

(e). On the official ballot on constitutional amendments or other propositions submitted shall be printed each amendment or proposition submitted in the form laid down by the Legislature, county commission, convention, or other body submitting such amendment or propositions. Each amendment or proposition shall be printed in a separate section and the section shall be numbered consecutively, if there be more than one. The form of the constitutional amendment or referendum ballot shall be prepared by the State Board of Elections and approved by the Attorney-General of North Carolina.

(f). In primary elections there shall be no provisions for designating the choice of a party ticket by one act or mark, but there shall be a separate ballot for each party and of different colors. The ballots containing the names of the respective candidates shall be so printed that the names of the opposing candidate for any office shall, as far as practicable, alternate in position upon the ballot, to end that the name of each candidate shall occupy with reference to the name of every other candidate for the same office, first position, second position and every other position, if any, upon an equal number of ballots, and the said ballots shall be distributed impartially and without discrimination. A square shall be to the left of the name of each candidate in which the voter may make a cross (X) mark indicating his choice for each candidate.

On the bottom of each ballot in such Primary Election printed by the State Board of Elections shall be printed the following:

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Facsimile of signature of Chairman of State Board of Elections.



And on the bottom of each ballot printed by the County Board of Elections shall be printed the following:

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Facsimile of signature of Chairman of County Board of Elections.

(g). In all city or municipal elections and primaries there shall be an official ballot on which shall be printed the names of all candidates for city or town offices. It shall conform as nearly as possible to the rules prescribed for the printing of the official general ballot, but on the bottom thereof shall be printed the following:

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Facsimile of signature of City Clerk.

1929, c. 164, s. 9; 1931, c. 254; 1933, c. 165, ss. 20, 21; 1939, c. 116, s. 1; 1947, c. 505, s. 9; 1949, c. 672, s. 2; 1955, c. 812.

**Sec. 156. BALLOTS FOR EACH PRECINCT WRAPPED SEPARATELY.** All ballots for use in each precinct shall be wrapped in packages, each package to contain whatever number of ballots the Chairman of the County Board of Elections may deem advisable for the respective precincts in his own county, but each package shall have written or stamped thereon the number of ballots contained therein so the registrar will know how many ballots to account for in his precinct.

1929, c. 164, s. 10; 1933, c. 165, s. 22.

**Sec. 157. NUMBER OF BALLOTS TO BE FURNISHED POLLING PLACES.** There shall be provided for each voting place at which an election or primary is to be held such a number of ballots that there shall be at least one hundred and five ballots for every one hundred registered voters at each polling place, or an excess of ballots of five per cent over the registration at each precinct.

1929, c. 164, s. 11; 1933, c. 165, s. 22; 1951, c. 849.

**Sec. 158. BALLOT BOXES.** The county board of elections shall provide for each precinct ballot boxes for the official ballots, as herein specified, which boxes shall respectively be plainly marked "Presidential Electors," "Ballot Box Members of Congress," "Ballot Box United States Senator," "Official State Ballot Box," "Official County Ballot Box," "Official Township Ballot Box," and "Official Propositions Ballot Box," and also one additional box for spoiled ballots, to be plainly marked "For Spoiled Ballots." Each box shall be supplied with a lock and key and with an opening in the top large enough to allow a single folded ballot to be easily passed through, but no larger.

1929, c. 164, s. 12; 1931, c. 254, s. 11.

**Sec. 159. SAMPLE BALLOTS.** The State Board of Elections shall prepare Sample Ballots of each kind of ballot printed by the State for the purpose of instructing voters in marking their ballots, which sample ballots shall be printed on colored paper and with the words "Sample Ballots" printed conspicuously thereon and shall distribute the same to the County Board of Elections. The County Boards of Elections shall likewise print on colored paper and distribute county and township ballots for instructing said voters.

1929, c. 164, s. 13; 1931, c. 254, s. 12.

**Sec. 160. DISTRIBUTION OF BALLOTS AND BOXES.** The county board of elections shall deliver to the registrar in each precinct the proper number of ballots and boxes, as required by the provisions of this article, three days before the day of election, and shall obtain from each registrar a receipt for same.

1929, c. 164, s. 14.

**Sec. 161. DESTROYED OR STOLEN BALLOTS; HOW REPLACED; REPORTS AS TO.** In case the ballots furnished to any precinct in accordance with the provisions of this article shall be destroyed or stolen, it shall be the duty of the county board of elections to cause other ballots



to be prepared in the form of the ballots so wanting. Within three days after the close of the polls on elections days, the registrars having lost such ballots shall make a written report of the whole circumstances of the loss of the ballots under oath, to the county board of elections.

1929, c. 164, s. 15.

**Sec. 162. REGISTRARS, DUTIES OF, COMPENSATION; FAILURE TO SERVE.** In addition to the compensation for performance of the duties required in the registration of voters, each registrar shall receive for his services on election day the sum of fifteen dollars. If any registrar or judge of election fails or refuses to serve as herein provided, the officer holding the election shall swear in a bystander of the same political faith as the registrar not serving, and if none such be present then any other qualified elector. The bystander sworn in to act as Registrar or Judge shall receive the same compensation as the Registrar is entitled to. One of the judges appointed for such purpose by the precinct election officers shall have charge of the ballots and furnish them to the voters in manner hereinafter set forth. The registrar shall promptly, at the close of the registration period, certify to the county board of elections the number of voters registered in his precinct.

1929, c. 164, s. 16; 1939, c. 264; 1945, c. 758, s. 3; 1951, c. 1009, s. 1; 1957, c. 182, s. 2.

**Sec. 163. VOTING BOOTHS, ARRANGEMENT AND NUMBER OF, AND PROVISIONS AS TO.** The county board of elections in each county whose duty it is to hold the election and appoint polling places therein, as herein provided for, shall cause the same to be suitably provided with a sufficient number of voting booths, equipped with the tables or shelves on which voters may conveniently mark their ballots. Each voting booth shall be at least three feet square and six feet high and shall contain three sides and have a door or curtain in front, which door or curtain shall extend within two feet of the floor; and each booth shall be so arranged that it shall be impossible for one voter in one voting booth to see another voter at another voting booth in the act of marking his ballot. The arrangement shall be such that the ballot boxes and voting booths shall be in plain view of the judges of election. The number of such voting booths shall be not less than one for each hundred voters qualified to vote at such polling places. Each voting booth shall be kept properly lighted and provided with proper supplies and conveniences for marking ballots. The county board of elections may provide buildings by lease or otherwise in which the elections are to be conducted, or they may cause a space not more than one hundred feet from the ballot boxes to be roped off, in which space no person shall be allowed to enter except through a way not exceeding three feet in width for the entrance and exit of voters. They may prescribe the manner in which the place for holding elections shall be prepared in every precinct so as to properly effectuate the purpose of this article. The county board of elections shall also be entitled to demand and use any school or other public building for the purpose of holding any election and require that such building be vacated for such purpose.

1929, c. 164, s. 17.

**Sec. 163.1. CONSOLIDATION OF PRECINCTS, ETC., FOR DISTRICT VOTING IN CERTAIN COUNTIES.** In counties having one or more municipalities, with a population in excess of 10,000 and in which a modern loose-leaf and visible registration system has been established as permitted by G. S. 163-43, with a full time and permanent registration as authorized by G. S. 163-31 and 163-31.2, the county board of elections shall have the authority by a resolution passed by a majority vote to consolidate two or more precincts, wards, or election districts within a township for the sole purpose of district voting, to the end that voters in the two or more precincts, wards, or election districts, so consolidated for district voting, may vote together in the same polling place, provided that any such consolidation for district voting within a township shall be wholly within or wholly without any corporate municipality within such township. Upon the passage of a resolution consolidating two or more precincts, wards or elec-



tion districts into a voting district, notice thereof shall be posted at the courthouse and the same shall be published in a newspaper of general circulation of said county at least 20 days prior to the election in which said district voting will be used. Such notice shall give the names, numbers, or other designations of the precincts, wards, or election districts, so consolidated for district voting, and shall likewise describe the location of the consolidated district voting place. Whenever two or more precincts, wards, or election districts within a township are consolidated for district voting, the county board of elections shall have the authority to consolidate the registration books for all of the precincts, wards, or election districts included in the district voting, to the end that the names of electors in the consolidated registration for said precincts, wards, or election districts shall be in alphabetical order for the consolidated voting rather than in separate books or volumes by precinct, ward, or election district. In all instances of district voting hereunder the registrars for all of the precincts, wards, or election districts included in said voting district, together with all of the judges of election therein, shall constitute a joint board of precinct, ward, or election district election officials, and shall hear and determine all matters usually heard by the registrar and judges of election of a precinct, ward, or election district, except that challenges or objections to the name of any person offering to vote on the day of any primary or general election as provided for in G. S. 163-79 shall be heard and determined by the registrar and judges of election appointed for the precinct, ward, or election district in which such elector is registered.

1953, c. 843; 1955, c. 800.

**Sec. 164. REGULATIONS FOR OPENING POLLS; OATH OF JUDGES AND REGISTRARS.** The judges of election and registrars of each precinct shall meet at the polling places therein at least one-half hour before the time set for opening polls for each election referred to in this article, and shall proceed to arrange the space within the enclosures set apart for election, and to prepare the booths for the orderly and legal conduct of the election. They shall then and there have the official ballot boxes, herein referred to, together with the boxes for ballot stubs and the boxes for spoiled ballots as hereinbefore provided, the sealed packages of official ballots, the registration book, the polling book, and the required supplies. They shall see that the polling booths are supplied with pencils, or pen and ink; unlock the official ballot boxes; see that the same are empty; allow the authorized watchers present and any other electors who may be present to examine said boxes, and shall lock the same again while empty. After such official ballot boxes are relocked they shall not be unlocked or open until the closing of the polls; and except as authorized by law no ballot or other matter shall be placed in such boxes. Each judge of election and registrar shall before the opening of the polls take the following oath:

"I do solemnly swear that I will administer the duties of my office without fear or favor; that I will not in any manner request or seek to persuade or induce any voter to vote for or against any particular candidate or proposition, and that I will not keep or make any memorandum of anything occurring within the voting booth, except I be called upon to testify in a judicial proceeding for a violation of the election laws of this State; so help me, God."

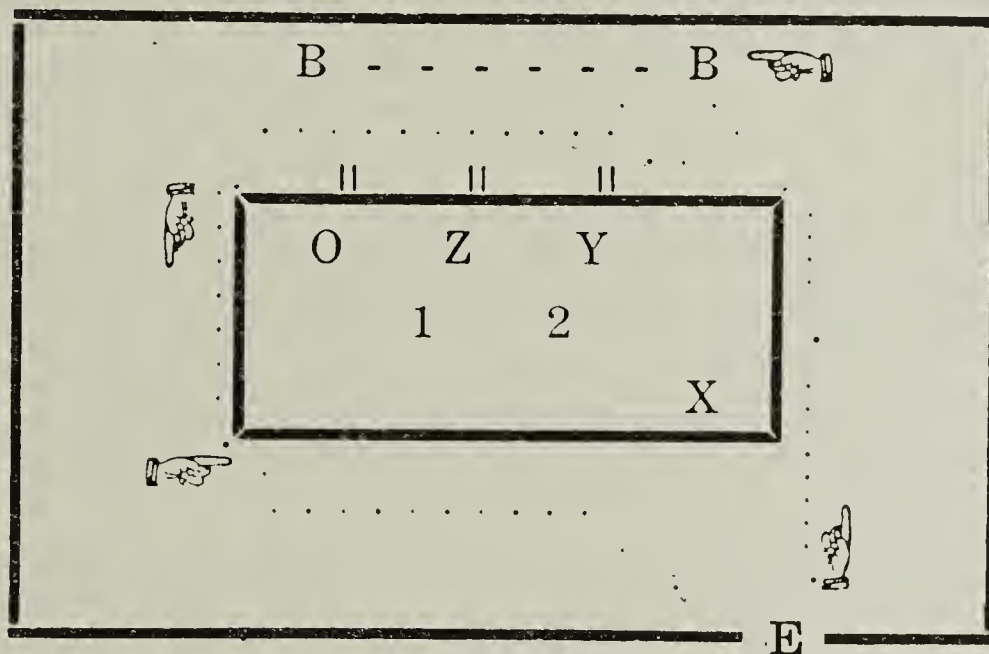
This oath shall be administered at the time hereinbefore prescribed by the registrar to the two judges of election, and by one of them to the registrar. The same oath shall be taken before the registrar or judge by every person rendering assistance. They shall then open the sealed package of ballots, and one of the judges shall make proclamation that the polls are open and of the time when they will be closed. From the time of opening of the polls until the announcement of the result of the canvass of the votes after the close of the polls and the signing of the official returns the official ballot boxes and the other boxes herein provided for and all the official ballots herein provided for shall be kept within the precinct election enclosures.

1929, c. 164, s. 18.



**Sec. 165. NO LOITERING OR ELECTIONEERING ALLOWED WITHIN 50 FEET OF POLLS; REGULATIONS FOR VOTING AT POLLING PLACES; BANNERS OR PLACARDS; GUARD RAIL; DIAGRAM.** No person shall, while the polls are open at polling places, loiter about or do any electioneering within such polling-place or within fifty feet thereof, and no political banner, poster, or placard shall be allowed in or upon such polling places during the day of the election. The election officials and ballot boxes shall at all times be in plain view of the qualified voters who are present, and a guard rail shall be placed not nearer than ten feet nor further than twenty feet from the said election officials and ballot boxes.

The arrangement of the polling place shall be substantially according to the following diagram, and shall conform as nearly thereto as the building or other place in which said election is held will permit:



- E. Entrance to voting place.
- X. Judge with ballots and box for spoiled ballots.
- B. Voting booths.
- Y. Polls book.
- Z. Ballot box.
- O. Box for stubs.
- 1, 2. Other election officials.
- . . . . . Direction of entry and exit of voter.

1929, c. 164, s. 19.

**Sec. 166. DELIVERY OF BALLOT TO VOTER; TESTING REGISTRATION.** The voter shall enter through the entrance provided, and shall forthwith give to the judge of election his name and residence. One of the judges shall thereupon announce the name and residence of the voter in distinct tone of voice. The registrar shall at once announce whether the name of such voter is duly registered. If he be registered, and be not challenged, or if he be challenged and the challenge decided in his favor, or if he take the requisite oath and be lawfully entitled to vote, the proper judge of election shall prepare for him one official ballot of each kind, folded by such judge in the proper manner for voting, which is: first, bring the bottom of the ballot up to the margin of the printing at the top of the ballot, allowing the margin to overlap; and second, fold both sides of the center, so that when folded the face of the ballot, except the one inch margin at the top thereof, shall be concealed, and so that the ballot shall be not more than four inches wide. Such judge shall then instruct the voter to refold the ballot in the same creases when he has marked it. Provided, that when a County Board of Elections adopts for use in a county a type of ballot box, as approved by the State Board of Elections, into which only unfolded ballots can be deposited, then the requirement above that the ballots shall be folded before being delivered to a voter and deposited in the ballot box shall not be complied with.

1929, c. 164, s. 20; 1931, c. 254, s. 13; 1955, c. 767.



**Sec. 167. MARKING BALLOT BY VOTER.** The voter shall then go to one of the voting booths and shall therein prepare his ballot by marking in the appropriate margin or place a cross (X) mark opposite the name of the candidate or party of his choice for each office to be filled, or by filling in the name of the candidate of his choice in the blank space provided therefor. The voter may designate choice of a candidate by a cross (X) or by a check mark, or other clear indicative mark.

1929, c. 164, s. 21; 1959, c. 1203, s. 8.

**Sec. 168. DEPOSITING OF BALLOTS; SIGNATURE OF VOTER IF CHALLENGED; DELIVERY OF POLL BOOKS TO CHAIRMAN OF COUNTY BOARD OF ELECTIONS.** When the voter has prepared his ballot or ballots, same shall be deposited in the proper boxes: Provided, however, that if the voter shall have been challenged and the challenge be decided in the voter's favor, before depositing the ballot or ballots in the proper boxes, the voter shall write his name on the ballot or ballots for identification in the event that any action should be taken later in regard to the voter's right to vote. After voting the voter shall forthwith pass outside the guardrail, unless he be one of the persons authorized to remain for purposes other than voting. No ballots except official ballots bearing the official endorsement shall be allowed to be deposited in the ballot box or to be counted. No person to whom any official ballot shall be delivered shall leave the space within the guardrail until after he shall have delivered back all such ballots. When a person shall have received an official ballot from the judge, he shall be deemed to have begun the act of voting, and if he leaves the guardrail before the deposit of his ballot in the box he shall not be entitled to pass again within the guardrail for the purpose of voting.

The poll books required to be kept by the judges of elections shall be signed by the judge at the close of the election, and delivered to the registrar, who shall deliver them to the chairman of the county board of elections.

1929, c. 164, s. 22; 1931, c. 254, s. 14; 1939, c. 263, s. 3½; 1953, c. 1040.

**Sec. 169. MANNER AND TIME OF VOTING; SPOILED BALLOTS.** On receiving his ballot the voter shall forthwith, and without leaving the enclosed space, retire alone, unless he be one that is entitled to assistance as hereinafter provided, to one of the voting booths, and without undue delay unfold and mark his ballots. No voter shall be allowed to occupy a booth already occupied by another, or to occupy a booth more than five minutes in case all the booths are in use and voters are waiting. It shall be unlawful purposely to deface or tear an official ballot in any manner, or to erase any name or mark written thereon by a voter. If a voter wrongly mark or deface or tear a ballot he may obtain others successively one at a time, but not more than three of any one kind, upon returning to the judge each ballot so spoiled.

1929, c. 164, s. 23.

**Sec. 170. WHO ALLOWED IN ROOM OR ENCLOSURE; PEACE OFFICERS.** No person other than voters in the act of voting shall be allowed in the room or enclosure in which said ballot box and booths are, except the officers of election and official markers as hereinafter provided, and official watchers. In case of cities having duly enrolled policemen or peace officers, the city authorities may designate the officers to keep the peace at the polls on the outside of the enclosure in which is the ballot box. But in no event shall said policemen or peace officers come nearer to said entrance than ten feet, or enter the room or enclosure in which is the ballot box, unless specially requested to do so by the officers holding the elections, and then only for the purpose of preventing disorder; and at any time when requested to do so by said officers holding the elections, the said policemen shall retire from the room or enclosure in which is the ballot box, and to a point not nearer than ten feet to the aforesaid entrance.

1929, c. 164, s. 24; 1955, c. 871, s. 7.



**Sec. 171. BALLOTS NOT TAKEN FROM POLLS; OTHER BALLOTS FOR SPOILED BALLOTS; DELIVERY TO COUNTY BOARD OF ELECTIONS.** No person shall take or remove any ballots from the polling place before the close of the polls. If any voter spoils a ballot, he may successively obtain others, one at a time, not exceeding three in all, upon returning each spoiled one to the registrar, and the registrar shall deposit said spoiled ballot in the box kept for the purpose by him. Within three days after each election or primary the registrar of each precinct shall deliver to the county board of elections in an envelope to be furnished by the county board of elections for such purpose the spoiled ballots so deposited at such precinct, and shall at the same time in another envelope furnished for such purpose, deliver to the said county board of elections the unused ballots from said precinct. The county board of elections shall thereupon make a check to ascertain whether the total of such spoiled ballots and such unused ballots when added to the number of ballots cast at such precinct shall equal the total number of ballots furnished to the registrar of such precinct prior to such election or primary.

1929, c. 164, s. 25.

**Sec. 172. ASSISTANCE TO VOTERS IN GENERAL ELECTIONS; APPOINTMENT OF MARKERS; COUNTIES EXCEPTED.** Prior to the date of any election hereunder the county board of elections, together with the registrar of each precinct of each county, shall designate for each precinct therein a sufficient number of persons of good moral character and of the requisite educational qualifications, who shall be bona fide electors of the precincts for which they are appointed, to act as markers, whose duty it shall be to assist voters in the preparation of their ballots. Elected officers and candidates for elective offices shall be ineligible to serve as markers, but all other governmental employees shall be eligible to serve as markers. The assistants or markers so appointed by the said county board of elections shall be so appointed as to give fair representation to each political party whose candidates appear upon the ballot. The chairman of the county organization of any political party may not more than ten days before any election to be held hereunder submit to the county board of elections the names of not less than ten qualified voters in any voting precinct of the county, and thereupon the marker or markers appointed to represent such party in said election at said voting precinct shall be selected from among those so named. Such persons shall remain within the enclosure prepared for the holding of elections, but shall not come within ten feet of the guard-rail, except when going to or returning from the booth with any elector who has requested assistance. Such marker or assistant shall not in any manner seek to persuade or induce any voter to cast his vote in any particular way, and shall not make or keep any memorandum of anything occurring within such booth, and shall not, directly or indirectly, reveal to any other person how in any particular such voter marked his ballot, unless he, or they, be called upon to testify in a judicial proceeding for a violation of the election laws. Every such marker or assistant, together with the registrar and judge of election, shall, before the opening of the polls, take and subscribe an oath that he will not, in any manner, seek to persuade or induce any voter to vote for or against any particular candidate, or for or against any particular proposition, and that he will not make or keep any memorandum of anything occurring within the booth, and will not disclose the same, unless he be called upon to testify in a judicial proceeding for a violation of the election laws of this State. The said oath, after being first taken by the registrar, may be administered by him to the two judges of election and to the markers or assistants, as herein provided: *Provided*, that in all general elections held under the provisions of this article any voter may select another member of his or her family who shall have the right to accompany such voter into the voting booth and assist in the preparation of the ballot, but immediately



after rendering such assistance the person so assisting shall vacate the booth and withdraw from the voting arena. This section is not applicable to primary elections.

Provided that this section shall not apply to counties having one or more municipalities, with a population in excess of 10,000 and in which a modern loose-leaf and visible registration system has been established as permitted by G. S. 163-43, with a full time and permanent registration as authorized by G. S. 163-31 and 163-31.2.

1929, c. 164, s. 26; 1933, c. 165, s. 24; 1939, c. 352, s. 1; 1953, c. 843; 1955, c. 800; 1959, c. 616.

**Sec. 173. AID TO PERSONS SUFFERING FROM PHYSICAL DISABILITY OR ILLITERACY IN GENERAL ELECTIONS; COUNTIES EXCEPTED.** Any person who, on account of physical disability, is obviously unable to enter the booth without assistance, or who on account of such disability, or because of illiteracy, or for any other good reason, shall request assistance from the registrar or judges of election, may, upon such declaration and upon his own request, have assistance from any one of the markers or assistants provided for in section 172. The voter may indicate which of the markers he desires to assist him; whereupon the registrar shall direct that the marker or assistant so indicated by the voter accompany said voter into the booth and give him such aid as may be requested in the preparation of his ballot, whereupon said marker or assistant shall withdraw from said booth and to his place within the rail, and shall not accompany the voter to the ballot box unless assistance be required on account of physical infirmity and such assistance is requested by the voter, or have any further conversation with said voter prior to the time that he deposits his ballot. In the event the voter does not request the assistance of any particular marker or assistant, then the registrar shall appoint from among the official markers or assistants some person to aid the voter in preparing his ballot. This section is not applicable to primary elections.

Provided that the right to request assistance from any one of the markers shall not apply to counties having one or more municipalities, with a population in excess of 10,000 and in which a modern loose-leaf and visible registration system has been established as permitted by G. S. 163-43, with a full time and permanent registration as authorized by G. S. 163-31 and 163-31.2: Provided, however, that in counties covered by this paragraph the provisions of G. S. 163-174 shall apply also to general elections.

1929, c. 164, s. 27; 1939, c. 352, s. 1; 1953, c. 843; 1955, c. 800; 1957, c. 784, s. 6.

**Sec. 174. ASSISTANCE TO ILLITERATE OR DISABLED VOTERS IN PRIMARY.** Any qualified voter entitled to vote in any primary, but who by reason of any physical disability or illiteracy is unable to mark his ballot may upon statement to the registrar of his incapacity and upon his request be aided by a near relative (husband or wife, brother or sister, parent or child, grandparent or grandchild), who shall be admitted to the booth with such voter, or if no near relative is present such voter may call to his assistance any other voter of his precinct who has not given aid to another voter, and who shall likewise be admitted to the booth with such voter; *Provided*, that if the voter needs and is entitled to the assistance as herein provided for, and there is no near relative present, or anyone else authorized hereunder to give assistance, the voter may call to his assistance the registrar or one of the judges of election: *Provided, further*, that any voter may upon his request be accompanied into the voting booth by a near relative (as above defined), and obtain such assistance from said member of the family as he may desire whether disabled or not. It shall be unlawful for any person to give, receive, or permit assistance in the voting booth during any primary to any voter otherwise than as is herein provided for.

1939, c. 352, s. 2.



**Sec. 175. METHOD OF MARKING BALLOTS; IMPROPERLY MARKED BALLOTS NOT COUNTED; WHEN.** The voter shall observe the following rules in marking his ballot.

1. If the elector desires to vote a straight ticket, or in other words, for each and every candidate of one party for whatever office nominated he shall, either—
  - (a) Make a cross mark in the circular space below the name of the party at the head of the ticket; or
  - (b) Make a cross mark on the left of and opposite the names of each and every candidate of such party in the blank space provided therefor.
  - (c) A voter who makes a cross mark (X) in the party circle at the top of the ballot and then marks in the voting square opposite the names of candidates of any party on the ballot, such ballot shall not be considered as defaced but shall count only as a straight party vote for all of the candidates of that party below the name of which the cross mark (X) is placed in the party circle above. This direction shall be placed upon all ballots as a part of their arrangement, and any and all provisions or language in the law to the contrary is hereby repealed.
2. If the elector desires to vote a split-ticket, or in other words for candidates of different parties, he shall omit making a cross mark (X) in the party circle below the name of any party and make a cross mark (X) in the voting square opposite the name of each candidate on the ballot for whom he desires to vote on whatever party ticket he may be.
3. If the elector desires to vote for a person whose name does not appear on the ticket, he can substitute the name by writing it in with a pencil or ink in the proper place. When a name is written in on the official ballot, the new name so written in is to be treated like any other name on the ballot. No sticker is to be used. Any name written in on an official ballot by any election official, or by any person other than the voter or a person rendering assistance to a voter pursuant to sections 172-3 or 4, shall be invalid, and the name or names so written in shall not be counted.
4. If the elector marks more names than there are persons to be elected to an office, or, if for any reason, it is impossible to determine the voter's choice for an office to be filled, his ballot shall not be counted for such office but shall be returned as a blank vote for such office.
5. If a voter shall do any act extrensic to the ballot itself, such as enclosing any paper or other article in the folded ballot, such ballot shall be void.
6. No ballot shall be rejected for any technical error which does not make it impossible to determine the voter's choice.
7. Every elector who does not vote a ballot delivered by the election officer shall, before leaving the polling place, return such ballot to such officer.
8. A cross (X) mark shall consist of any straight line crossing any other straight line at an angle within a voting circle or square. A voter may designate his choice of candidate by the cross (X) mark or by a check mark, or any other clear indicative mark. Any ballot which is defaced or torn by the voter shall be void.

(See Chap. 1104, of Session Laws 1955 and Chap. 1383, 1957 Laws applicable to counting ballots for group candidates for county or municipal offices in counties of Bladen, Catawba, Chowan, Columbus, Cumberland, Duplin, Greene, Halifax, Hoke, Jones, Lenoir, Macon, Northampton, On-



low, Pender, Perquimans, Robeson, Sampson, Scotland, Surry and Wayne. Applies to county and municipal primaries only.)

1929, c. 164, s. 28; 1931, c. 254, s. 15; 1933, c. 165, s. 23; 1939, c. 116, s. 2; 1947, c. 505, s. 10; 1955, c. 812; 1955, c. 1104; 1957, c. 1383; 1959, c. 1203; s. 9; 1959, c. 604; 610, 847; 888; 1961, c. 451.

**Sec. 176. OFFENSES OF VOTERS; INTERFERENCE WITH VOTERS; PENALTY.** A voter who shall, except as herein otherwise provided, allow his ballot to be seen by any person, or who shall take or remove, or attempt to take or remove, any ballot from the polling place, or any person who shall interfere with, or attempt to interfere with any voter when inside such enclosed space, or when marking his ballot, or who shall remain longer than the specified time allowed by this article in the booth, after being notified that his time has expired, or who shall endeavor to induce any voter within the enclosure, before voting, to show how he marks or has marked his ballot, or aid, or attempt to aid, any voter by means of any mechanical device, or any other means whatever, while within the enclosure, in marking his ballot, shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned, or both, in the discretion of the court; and election officers shall cause any person committing any of the offenses herein set forth to be arrested and shall cause charges to be preferred against the person so offending, in a court of competent jurisdiction.

1929, c. 164, s. 29.

**Sec. 177. OFFENSES OF ELECTION OFFICERS.** Any judge of election or registrar, or other election officer, after having qualified, who wilfully and knowingly refuses or fails to perform the duties herein prescribed, or who wilfully and knowingly violates the provisions of this article, shall be guilty of a misdemeanor and subject to a fine, or to imprisonment in the county jail not less than ten nor more than ninety days at the discretion of the court.

1929, c. 164, s. 30.

**Sec. 178. READING AND NUMBERING THE BALLOTS; CERTIFICATE OF RESULT; DELIVERY OF BOXES TO BOARD OF ELECTIONS.** When the polls are closed the registrar and judge shall, in the presence of the watchers appointed by the respective executive committees of the several political parties and any other electors of the precinct who choose to be present open the box and count and record the number of the votes received by each candidate and on each question or measure. The said judge of election and registrar shall not adjourn or postpone the canvass of the vote in such precinct until it shall be fully completed. The judges of election may, at their discretion, open the ballots of absent electors immediately after the close of the polls, subject to the rights of challenge now allowed by law. A certificate setting forth the results of such election shall be signed by the registrar and judges of election. Upon the close of the counting of the ballots, as herein provided, the said election official shall replace said ballots in the official ballot box and lock the same. The ballot box shall then be delivered to such place as may be designated by the county board of elections. (See Section 84 for manner of counting.)

1929, c. 164, s. 32.

**Sec. 179. HOURS OF PRIMARIES AND ELECTIONS.** In all primary and general elections held in this State, including all local and municipal elections, the polls shall open at six-thirty o'clock A. M. and shall close at the hour of six-thirty o'clock P. M. Eastern Standard Time. Provided, that in all voting precincts in the State where voting machines are used, the board of elections of such county may permit the polls in such precincts to close at the hour of seven-thirty P. M.

1929, c. 164, s. 33; 1937, cc. 258, 457; 1941, c. 222; 1955, c. 1064.

**Sec. 180. APPLICATION TO ALL PRIMARY ELECTIONS; REPEAL OF CONFLICTING LAW; ONE PARTY PRIMARY OFFICIALS SELECTED FROM PARTY.** The provisions of this article shall apply to any and



all primary elections held in this State, or in any county thereof, as fully as it applies to general elections, as herein provided, and section 126 is hereby repealed, in so far as it conflicts with this article, the intent being to provide the same laws for the conduct of primaries as for general elections.

*Provided, further,* that in any primary election held under the provisions of this article, when only one political party participates in such primary, then, all of the election officials selected for holding such primary shall be chosen only from the political party so participating.

1929, c. 164, s. 34.

**Sec. 181. ASSISTANTS AT POLLS; WHEN ALLOWED AND AMOUNT TO BE PAID.** The County Board of Elections may appoint one clerk or assistant at any precinct in the county which has as many as five hundred qualified registered voters on the registration books in such precinct, and one additional such clerk or assistant for each additional five hundred qualified registered voters at such precinct where voting machines are used at such precinct; and where voting machines are not used, one clerk or assistant for each three hundred registered voters at a precinct. No other clerk or assistant shall be appointed for any precinct except as herein set out. Such assistants and clerks shall, in all cases, be qualified voters of the ward, or precinct, for which they are appointed, and they shall be paid the same compensation as is provided by law for the judges of election to be paid.

1929, c. 164, s. 35; 1933, c. 165, s. 24; 1953, c. 1191, s. 3.

**Sec. 182. WATCHERS; CHALLENGERS; COUNTIES EXCEPTED.** Each political party or independent candidate named on the ballot may, by a writing signed by the county chairman of such political party, or, as the case may be, by the independent candidate or his manager, filed with one of the judges of election, appoint two watchers, who shall be qualified electors of the precinct for which they are appointed, to attend each polling place. Such watchers shall serve also as challengers; *Provided,* that no person shall be appointed as a watcher who is not of good moral character; and the judges of election and registrar may for good cause shown reject any appointee and require that another be appointed. Such official watchers shall have the right from the time the polls open until the polls close and the counting is completed to remain within the voting enclosure, and in a position where they may at all times during election day be in plain view of the precinct officials, the voting booths, the ballot boxes and the voting procedure, but shall not in any way impede the voting process or do any electioneering or interfere in any manner with the election except as the law provides. *Provided,* that any elector when the name of any elector is called by the judges of election, may exercise the right of challenging the elector's right to vote and when he or she does so then such challenger may enter the election space to make good such challenge and then retire at once when such challenge is heard.

*Provided* that this section shall not apply to counties having one or more municipalities, with a population in excess of 10,000 and in which a modern loose-leaf and modern registration system has been established as permitted by G. S. 163-43, with a full time and permanent registration as authorized by G. S. 163-31 and 163-31.2.

1929, c. 164, s. 36; 1953, c. 843; 1955, c. 800; 1955, c. 871; 1959, c. 616.

**Sec. 183. SUPERVISION OVER PRIMARIES AND ELECTIONS; REGULATIONS.** The State Board of Elections shall have general supervision over the primaries and elections provided for herein, and may delegate its authority to county boards appointed by it, and in case where sufficient provisions may not appear to have been made herein may make such regulations and provisions as it may deem necessary. *Provided,* none of the same shall be in conflict with any of the provisions of this article.

1929, c. 164, s. 37.



**Sec. 184. BALLOTS FURNISHED ABSENTEE ELECTORS; WHEN DEEMED VOTED BEFORE SUNSET; DEPOSIT IN BOXES.** The ballots to be furnished absentee electors under the provisions of article 10 shall be the same as the official ballots hereinbefore designated. No vote of an absent elector shall be counted unless upon the official ballot printed as prescribed in this article.

Any absentee ballots received by the registrar during the hours now fixed by law for the receipt thereof shall be deemed to be voted before sunset, and, if the convenience of the voters or officers holding the election will be promoted thereby may in their discretion be opened and deposited in the box immediately after the closing of the polls.

1929, c. 164, s. 39.

**Sec. 185. FRAUD IN CONNECTION WITH ABSENTEE VOTE; FORGERY.** Any person attempting to aid and abet fraud in connection with any absentee vote cast, or to be cast, under the provisions of this article, shall be guilty of a misdemeanor, and, upon conviction, be fined or imprisoned, in the discretion of the court. Any person attempting to vote by fraudulently signing the name of a regularly qualified voter shall be guilty of forgery, and be punished accordingly.

1929, c. 164, s. 40.

**Sec. 186. PUBLIC OFFICIALS VIOLATING SUBCHAPTER DISQUALIFIED FROM HOLDING OFFICE AND VOTING.** Any public official who knowingly and wilfully violates any of the provisions of this article, and thereby aids in any way the illegal casting or attempting to cast a vote, or who shall connive to nullify any provision of this article in order that fraud may be perpetrated, shall upon conviction therefor be disqualified from holding office in the State of North Carolina, and shall be disqualified from exercising the right of franchise, as now provided in case of conviction for felony.

1929, c. 164, s. 41.

**Sec. 187. DEFINITIONS AS APPLIED TO MUNICIPAL PRIMARIES AND ELECTIONS.** With respect to all municipal primaries and elections, wherever in this article appear the words "county board of elections" shall be deemed to be written the words "city or town governing body"; and wherever appears the words "chairman of the boards of elections" shall be deemed to be written the words "mayor of town or city."

1929, c. 164, s. 42.

**Sec. 187.1. AUTOMATIC VOTING MACHINES.** Any county or city of the State may, at the expense of such county or city, adopt and purchase, upon an installment basis or otherwise, or lease, with or without option to purchase, voting machines for use at all primaries and elections held within such county or city, or within any one or more precincts thereof, in such manner and upon such terms as are deemed to be in the best interest of such county or city. The use of any voting machines approved by the State Board of Elections in any primary or election held in any county or city shall be as valid as the use of paper ballots by the voters.

1949, c. 301; 1953, c. 1001; 1955, c. 1066.

**Sec. 187.2. ADOPTION OF VOTING MACHINES.** The board of county commissioners or the governing body of a municipality, may if they so elect, submit to the voters of such county or municipality at a general or special election the question of whether it shall adopt voting machines for use in primaries and elections; provided that no special election shall be called for the sole purpose of determining this question; provided that the question of adopting voting machines may be submitted to the voters upon a petition filed with the board of county commissioners or the governing body of the municipality signed by at least five hundred (500) of the registered voters of such county or municipality. The petition shall be in writing and the precinct name or number of each signer shall be written



after his signature. If a majority of the voters casting votes in said election approve of same, the board of county commissioners of the county, or the governing body of the municipality, may adopt for use in primaries and elections such type or kind of voting machines as shall be approved by the State Board of Elections, and said machines may be used in any and all primaries and elections held in the county or municipality or any part thereof for voting, registering and counting votes cast in such primaries and elections. Provided that the provisions of this section shall in no way limit or affect the right or authority of a County Board of Elections of any county, or the municipal authorities of any municipality, to adopt and purchase voting machines, either separately or in cooperation with the county, for use in county or municipal elections held in this State as is provided in G. S. 163-187.1.

1953, c. 1001; 1955, c. 1066.

**Sec. 187.3. PROVIDING VOTING MACHINES.** The authorities adopting the use of voting machines shall, as soon as practical thereafter, provide for each voting place one or more voting machines in complete working order and shall thereafter preserve and keep them in repair and have custody thereof when not in use at any election. They shall appoint as many custodians as may be necessary for the proper preparation of the machines for a primary or election and for their maintenance, storage and care. If it is impractical to supply each precinct or election district with voting machines at any primary and election, as many may be supplied at it is practical to procure, and these may be used in the precincts or districts in the municipality or county as the officers adopting the machines may direct.

1953, c. 1001.

**Sec. 187.4. GENERAL PROVISIONS AS TO CONDUCT OF ELECTIONS WHERE VOTING MACHINES ARE USED.** The State Board of Elections shall prescribe rules and regulations for the handling and operation of voting machines, including but not limited to the form of ballots to be used, the operation of voting machines for primaries and elections, the duties of the custodian, protection of the machines, instruction of election officers, examination of voting machines, instructions to voters on election day and assistance to voters, manner of voting, and to prescribe such other rules and regulations which they may deem to be necessary and requisite to the fair, honest and satisfactory use of the machines.

1953, c. 1001.



## ART. 21. CORRUPT PRACTICES ACT OF 1931

**Sec. 188. TITLE OF ARTICLE.** This article may be cited as the Corrupt Practices Act of one thousand nine hundred thirty-one.

1931, c. 348, s. 1.

**Sec. 189. DEFINITIONS.** When used in this article.

(a) The term "Candidate" means an individual whose name is presented for any office to be voted upon on any ballot at any primary, general or special election;

(b) The term "campaign committee" includes any committee, association or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the nomination or election of any candidate at any primary, general or special election;

(c) The term "contribution" means any gift, payment, subscription, loan, advance, deposit of money, or anything of value, and includes any contract, promise or agreement to give, subscribe for, pay, loan, advance or deposit any money or other thing of value to or for the benefit of any candidate at any primary, general or special election, and whether or not said contract, promise or agreement is legally enforceable;

(d) The term "expenditure" means a payment, distribution, loan, advance, deposit or gift of money or anything else of value whatsoever, and includes a contract, promise or agreement to pay, distribute, give, loan, advance, or deposit any money or anything of value whatsoever, and whether or not such contract, promise or agreement is legally enforceable;

(e) The term "person" includes an individual, partnership, committee, association, corporation or any other organization or group of persons.

1931, c. 348, s. 2.

**Sec. 190. DETAILED ACCOUNTS TO BE KEPT BY CANDIDATES AND OTHERS.** It shall be the duty of every candidate and the chairman and treasurer of any and every campaign committee to keep a detailed and exact account of:

(1) All contributions made to or for such candidate or committee;

(2) The name and address of every person making such contribution and the date thereof;

(3) All expenditures made by or on behalf of such candidates or committee;

(4) The name and address of every person to whom any such expenditure is made, and the date thereof.

1931, c. 348, s. 3.

**Sec. 191. DETAILED ACCOUNTING TO CANDIDATES OF PERSONS RECEIVING CONTRIBUTIONS.** Every person who receives a contribution for a candidate or for a campaign committee in any primary, general or special election shall render such candidate or campaign committee, within five days after receipt of such contribution, a detailed account thereof, including the name and address of the person making such contribution.

1931, c. 348, s. 4.

**Sec. 192. DETAILED ACCOUNTING OF PERSONS MAKING EXPENDITURES.** Every person who makes any expenditure in behalf of any candidate or campaign committee in any primary, general or special election shall render to such candidate or campaign committee, within five



days after making such expenditure, a detailed account thereof, including the name and address of the person to whom such expenditure was made.

1931, c. 348, s. 5.

**Sec. 193. STATEMENTS UNDER OATH OF PRE-PRIMARY EXPENSES OF CANDIDATES; REPORT AFTER PRIMARY.** It shall be the duty of every person who shall be a candidate for nomination in any primary for any Federal, State or district office, or for the State Senate in a district composed of more than one county, except where there shall be agreement for rotation as provided in section 113, to file, under oath, ten days before such primary, with the Secretary of State, an itemized statement of all expenditures made by him or which he knows to have been made by any one for him, and of all contributions made to him, directly or indirectly, and also to file, under oath, within twenty days after such primary, with the Secretary of State, an itemized statement of all expenditures made by him or which he knows to have been made by any one else for him, and also of all contributions made to him, directly or indirectly, by any person, with detailed account of such contributions and expenditures as set out in section 194 hereof. And it shall be the duty of every person who shall be a candidate for nomination for the State Senate, except those to whom the preceding sentence applies, for the House of Representatives, and for any county office, to file a like statement with the clerk of the Superior Court of the county of his residence at the times hereinbefore prescribed for filing such statements by candidates for Federal, State and district officers as set out in the preceding sentence.

It shall be the duty of each chairman of a county board of elections to send a written notice to each candidate in a primary election who filed a notice of candidacy with said chairman, and who had one or more candidates to run against the candidate in the primary, of this requirement to file his or her primary campaign statement of expenses with the Clerk of the Superior Court both before and after the primary. Such notice shall not be required where an unopposed candidate did not have to run in the primary and was nominated without party opposition.

1931, c. 348, s. 6; 1959, c. 1203, s. 10.

**Sec. 194. CONTENTS OF SUCH STATEMENTS.** The statement of contributions and expenditures as required by the preceding section shall be itemized as follows:

(1) The name and address of each person who has made a contribution to or for such candidate or to or for his campaign committee within the calendar year, together with the amount and date of such contribution;

(2) The total sum of all contributions made to or for such candidate or to or for his campaign committee during the calendar year;

(3) The name and address of each person to whom, during the calendar year, an expenditure has been made by or in behalf of such candidate or by or in behalf of his campaign committee, and the amount, date, and purpose of such expenditure;

(4) The name and address of each person by whom an expenditure has been made during the calendar year in behalf of such candidate or his campaign committee and reported to such candidate or campaign committee, and the amount, date and purpose of such expenditure.

(5) The total sum of all expenditures made during the calendar year in behalf of such candidate or his campaign committee by any person and reported to such candidate or his campaign committee, and the amount, date, and purpose of such expenditure;

(6) The total sum of all expenditures made by such candidate or his campaign committee, or any person in his behalf during the calendar year.

1931, c. 348, s. 7.



**Sec. 195. STATEMENTS REQUIRED OF CAMPAIGN COMMITTEES COVERING MORE THAN ONE COUNTY; VERIFICATION OF STATEMENTS REQUIRED.** A like statement as that required in the preceding section shall be filed by any and all campaign committees as hereinbefore defined with the Secretary of State not more than fifteen days nor less than ten days before any primary, general or special election, and not more than twenty days after any such primary, general or special election, if said campaign committee is making expenditures in more than one county; and if such campaign committee is making expenditures in only one county, a like or similar report so itemized shall be made within the same periods to the clerk of the Superior Court of such county.

All of the statements or reports of contributions or expenditures as in this article required of any candidate or campaign committee must be verified by the oath or affirmation of the person filing such statement or report, taken before any officer authorized to administer oaths.

1931, c. 348, s. 8.

**Sec. 196. CERTAIN ACTS DECLARED MISDEMEANORS.** Any person who shall, in connection with any primary or election in this State, do any of the acts and things declared in this section to be unlawful, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court. It shall be unlawful:

(1) For any person to fail, as an officer or as a judge or registrar of a primary or election, or as a member of any board of elections, to prepare the books, tickets and return blanks which it is his duty under the law to prepare, or to distribute the same as required by law, or to perform any other duty imposed upon him within the time and in the manner required by law;

(2) For any person to continue or attempt to act as a judge or registrar of a primary or election, or as a member of any board of elections, after having been legally removed from such position and after having been given notice of such removal;

(3) For any person to break up or by force or violence to stay or interfere with the holding of any primary or election, to interfere with the possession of any ballot box, election book, ticket or return sheet by those entitled to possession of the same under the law, or to interfere in any manner with the performance of any duty imposed by law upon any election officer or member of any board of elections.

(4) For any person to be guilty of any boisterous conduct so as to disturb any member of any election or any registrar or judge of elections in the performance of his duties as imposed by law;

(5) For any person to bet or wager any money or other thing of value on any election;

(6) For any person, directly or indirectly to discharge or threaten to discharge from employment, or otherwise intimidate or oppose any legally qualified voter on account of any vote such voter may cast or consider or intend to cast, or not to cast, or which he may have failed to cast;

(7) For any person to make any contribution or expenditure to aid, or in behalf of any candidate or campaign committee, in any primary, general or special election, unless the same be reported immediately to such candidate or campaign committee, to the end that it may be included by him or it in the reports required of him by law;

(8) For any candidate or any chairman or treasurer of a campaign committee to fail to make under oath the report or reports required of him or it by sections 193 to 195, or for any campaign committee to fail to furnish to a candidate a duplicate copy of the report to be made by it or its



chairman or treasurer; That it shall be the duty of the Secretary of State, after the time has expired for the filing of said statement of campaign contributions and expenditures with the Secretary of State by candidates in a primary election, as is provided in Section 163-193 of the General Statutes of North Carolina, to immediately thereafter report to the Attorney General of North Carolina the names and addresses of all candidates for Federal, State, or District offices who have failed to file such statement in compliance with the provisions of Sections 163-193 and 163-194 of the General Statutes of North Carolina. Upon the receipt of said report from the Secretary of State, it shall be the duty of the Attorney General of North Carolina to notify the proper prosecuting officer who shall prosecute any person violating the provisions of this Article;

(9) For any person to publish in a newspaper or pamphlet or otherwise, any charge derogatory to any candidate or calculated to affect the candidate's chances of nomination or election, unless such publication be signed by the party giving publicity to and being responsible for such charge;

(10) For any person to publish or cause to be circulated derogatory reports with reference to any candidate in any primary or election, knowing such reports to be false or in reckless disregard of its truth or falsity, when such report is calculated or intended to affect the chances of such candidate for nomination or election;

(11) For any person to give or promise, in return for political support or influence, any political appointment or support for political office;

(12) For any chairman of a county board of elections or other returning officer to fail or neglect, wilfully or of malice, to perform any duty, act, manner or thing required or directed in the time, manner and form in which said duty, matter or thing is required to be performed in relation to any primary, general or special election and the returns thereof;

(13) For any register of deeds or clerk of the Superior Court to refuse to make and give to any person applying in writing for the same a duly certified copy of the returns of any primary or election or of a tabulated statement in a primary or election, the returns of which are by law deposited in his office, upon the tender of the fees therefor;

(14) For any corporation doing business in this State, either under domestic or foreign charter, directly or indirectly to make any contribution or expenditure in aid or in behalf of any candidate or campaign committee in any primary or election held in this State, or for any political purpose whatsoever, or for the reimbursement or indemnification of any person for money or property so used, or for any contribution or expenditure so made; or for any officer, director, stockholder, attorney or agent of any corporation to aid, abet, advise, or consent to any such contribution or expenditure, or for any person to solicit or knowingly receive any such contribution or expenditure.

Any officer, director, stockholder, attorney or agent of any corporation aiding or abetting in any contribution or expenditure made in violation of this subsection shall, in addition to being guilty of a misdemeanor as hereinbefore set out, be liable to such corporation for the amount of such contribution or expenditure, and the same may be recovered of him upon suit by any stockholder thereof;

(15) For any person wilfully and knowingly to impose upon any blind or illiterate voter a ballot in any primary or election contrary to the wish or desire of such voter, by falsely representing to such voter that the ballot proposed to him is such as he desires.

1931, c. 348, s. 9; 1951, c. 983, s. 1.

**Sec. 197. CERTAIN ACTS DECLARED FELONIES.** Any person who shall, in connection with any primary, general or special election held in



this State, do any of the acts or things declared in this section to be unlawful, shall be guilty of a felony and upon conviction shall be imprisoned in the State's Prison not less than four months or fined not less than one thousand dollars, or both, in the discretion of the court. It shall be unlawful:

(1) For any person fraudulently to cause his name to be placed upon the registration books of more than one election precinct or fraudulently to cause or procure his name or that of any other person to be placed upon the registration books in any precinct when such registration in that precinct does not qualify such person to vote legally therein, or to impersonate falsely another registered voter for the purpose of voting in the stead of such other voter;

(2) For any person to give or promise or request or accept at any time, before or after any such primary or election, any money, property or other thing of value whatsoever in return for the vote of any elector;

(3) For any person who is an election officer, a member of the election board or other officer charged with any duty with respect to any primary or election, knowingly to make any false or fraudulent entry on any election book or any false or fraudulent returns, or knowingly to make or cause to be made any false statement on any ticket, or to do any fraudulent act, or knowingly and fraudulently omit to do any act or make any report legally required of such person;

(4) For any person knowingly to swear falsely with respect to any matter pertaining to any primary or election;

(5) For any person convicted of a crime which excludes him from the right of suffrage, to vote at any primary or election without having been restored to the right of citizenship in due course and by the method provided by law;

(6) For any person to take corruptly the oath prescribed for voters, and the person so offending shall be guilty of perjury;

(7) For any person with intent to commit a fraud to register or vote at more than one box or more than one time, or to induce another to do so, in the same primary or election, or to vote illegally at any primary or election;

(8) For any registrar or any clerk or copyist to make any entry or copy with intent to commit a fraud;

(9) For any election official or other officer or person to make, certify, deliver or transmit any false returns of any primary or election, or to make any erasure or alteration in any registration or poll books with intent to commit a fraud;

(10) For any person to assault any registrar, judge of election or other election officer while in the discharge of his duty in the registration of voters or in conducting any primary or election;

(11) For any person, by threats, menaces or in any other manner, to intimidate or attempt to intimidate any registrar, judge of election or other election officer in the discharge of his duties in the registration of voters or in conducting any primary or election;

(12) For any registrar, poll holder, member of a board of election, assistant, marker, or other election official, directly or indirectly, to seek, receive or accept money or the promise of money, the promise of office, or other reward or compensation from a candidate in any primary or election or from any source other than such compensation as may be provided by law for his services.

(13) For any person falsely to make or present any certificate or other paper to qualify any person fraudulently as an elector, or to attempt thereby to secure to any person the privilege of voting.



**Sec. 198. COMPELLING SELF-INCRIMINATING TESTIMONY; PERSON SO TESTIFYING EXCUSED FROM PROSECUTION.** No person shall be excused from attending or testifying or producing any books, papers or other documents before any Court or magistrate upon any investigation, proceeding or trial for the violation of any of the provisions of the two preceding sections, upon the ground or for the reason that the testimony or evidence, documentary, or otherwise, required of him may tend to incriminate or degrade him, but such person may be subpoenaed and required to testify by and for the State relative to any offense arising under the provisions of the said two preceding sections; but such person shall not be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be used against him upon any criminal investigation or proceeding, but such person so compelled to testify with respect to any act of his own shall be immune from prosecution on account thereof, and shall be pardoned for any violation of law about which such person shall be so required to testify.

1931, c. 348, s. 11.

**Sec. 199. DUTY OF ATTORNEY GENERAL AND SOLICITOR TO PROSECUTE VIOLATIONS OF ARTICLE.** It shall be the duty of the Attorney-General, the solicitors of the several solicitorial districts, and all prosecuting attorneys of courts inferior to the Superior Court, to make diligent inquiry and investigation with respect to any violations of this article, and said officers are authorized and empowered to subpoena and compel the attendance of any person or persons before them for the purpose of making such inquiry and investigation.

1931, c. 348, s. 12.

**Sec. 200. DUTY OF SECRETARY OF STATE AND SUPERIOR COURT CLERKS TO CALL FOR REQUIRED STATEMENTS AND REPORT VIOLATIONS.** It shall be the duty of the Secretary of State and the several clerks of the Superior Court to call upon the candidates and chairmen and treasurers of campaign committees for the reports required to be made to them by sections 193 to 195. If any candidate or chairman or treasurer of a campaign committee shall fail or neglect to make to the Secretary of State the reports required by said sections, then the Secretary of State shall bring such failure to the attention of the Attorney General, whose duty it shall then be to initiate a prosecution against such candidate or chairman or treasurer of such campaign committee for such violation of this article. If the Attorney General shall be a candidate in any such primary or election, such duty as herein required to be performed by him with respect to any contest in which he participates shall be performed by the solicitor of the solicitorial district of which Wake County is a part. If a candidate or the chairman or treasurer of a campaign committee fails to make the report to the clerk of the Superior Court as required by said sections, then said clerk of the Superior Court shall bring such failure to the attention of the solicitor of the district in which such county is a part and said solicitor shall institute a prosecution for violation of this article.

1931, c. 348, s. 13.



## **ART. 22. OTHER OFFENSES AGAINST THE ELECTIVE FRANCHISE**

**Sec. 201. INTIMIDATION OF VOTERS BY OFFICERS MADE MISDEMEANOR.** It shall be unlawful for any person holding any office, position or employment in the state government, or under and with any department, institution, bureau, board, commission, or other state agency, or under and with any county, city, town, district, or other political subdivision, directly or indirectly, to discharge, threaten to discharge, or cause to be discharged, or otherwise intimidate or oppress any other person in such employment on account of any vote such voter or any member of his family may cast, or consider or intend to cast, or not to cast, or which he may have failed to cast, or to seek or undertake to control any vote which any subordinate of such person may cast, or consider or intend to cast, or not to cast, by threat, intimidation, or declaration that the position, salary, or any part of the salary of such subordinate depends in any manner whatsoever, directly or indirectly, upon the way in which such subordinate or any member of his family casts, or considers or intends to cast, or not to cast his vote, at any primary or election. Any person violating this section shall be guilty of a misdemeanor and punished by fine and/or imprisonment, in the discretion of the court.

1933, c. 165, s. 25.

**Sec. 202. DISPOSING OF LIQUOR AT OR NEAR POLLING PLACES.** If any person shall give away or shall sell any intoxicating liquor, except for medical purposes and upon the prescription of practicing physician, at any place within five miles of the polling place, at any time within twelve hours next preceding or succeeding any public election, whether general, local, or municipal, or during the holding thereof, he shall be guilty of a misdemeanor, and shall be fined not less than one hundred nor more than one thousand dollars.

1901, c. 550, s. 76, c. 531.

**Sec. 203. FALSE OATH OF VOTER IN REGISTERING.** If any person shall knowingly register under the permanent registration law who is not qualified within the meaning of that law and article six, section four, of the constitution, or if any person shall knowingly take any false oath in registering under the same, he shall be guilty of a misdemeanor, and upon conviction shall be fined not more than one thousand dollars or imprisoned not more than five years.

1901, c. 550, s. 12.

**Sec. 204. WILFUL FAILURE OF REGISTRATION OFFICER TO DISCHARGE DUTY.** If any officer charged with any duty under the permanent registration law wilfully fails and neglects to perform the same, he shall be guilty of a misdemeanor, and upon conviction shall forfeit his office and be fined not more than one thousand dollars or imprisoned not more than five years.

1901, c. 550, s. 11.

**Sec. 205. MAKING FALSE RETURNS OR TAMPERING WITH POLL BOOKS.** Repealed by Session Laws 1943, C. 543.

1901, c. 80, s. 83; 1943, c. 543, s. 84.

**Sec. 206. USING FUNDS OF INSURANCE COMPANIES FOR POLITICAL PURPOSES.** No insurance company or association, including fraternal beneficiary associations, doing business in this state shall, directly or indirectly, pay or use, or offer, consent or agree to pay or use, any money or property for or in aid of any political party, committee or organization, or for or in aid of any corporation, jointstock company, or other association organized or maintained for political purposes, or for or in aid of any candidate for political office or for nomination for such



office, or for any political purposes whatsoever, or for the reimbursement or indemnification of any person for money or property so used. Any officer, director, stockholder, attorney or agent of any corporation or association which violates any of the provisions of this section, who participates in, aids, abets, advises or consents to any such violation, and any person who solicits or knowingly receives any money or property in violation of this section, shall be guilty of a misdemeanor, and shall be punished by imprisonment for not more than one year and a fine of not more than one thousand dollars.

Any officer aiding or abetting in any contribution made in violation of this section shall be liable to the company or association for the amount so contributed. The insurance commissioner may revoke the license of any company violating this section. No person shall be excused from attending and testifying, or producing any books, papers or other documents before any court or magistrate, upon any investigation, proceeding or trial for a violation of any of the provisions of this section, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate or degrade him; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be used against him upon criminal investigation or proceeding.

1907, c. 121.

**Sec. 207. CONVICTED OFFICIALS; REMOVAL FROM OFFICE.** Any public official who shall be convicted of any violation of the provisions of Article 21 or Article 22 of this chapter, in addition to the punishment provided by law for such violation, may be removed from office by the judge presiding at the trial and shall be ineligible to hold any other public office until his citizenship is restored as provided by law in case of conviction of a felony, and for a period of two years in case of conviction of a misdemeanor.

(1949, c. 504, s. 1.)



## SUBCHAPTER IV. ARTICLE VI. CONSTITUTION OF NORTH CAROLINA

### SUFFRAGE AND ELIGIBILITY TO OFFICE

NOTE—This Article of the constitution is printed in this pamphlet for the convenience of the registrars in applying the educational test of ability to read and write the constitution before being allowed to register.

**Sec. 1. WHO MAY VOTE.** Every person born in the United States, and every person who has been naturalized, twenty-one years of age, and possessing the qualifications set out in this article, shall be entitled to vote at any election by the people in the State, except as herein otherwise provided.

**Sec. 2. QUALIFICATIONS OF VOTERS.** Any person who shall have resided in the State of North Carolina for one year, and in the precinct, ward or other election district in which such person offers to vote for thirty days next preceding an election, and possessing the other qualifications set out in this Article, shall be entitled to vote at any election held in this State; provided that removal from one precinct, ward or other election district to another in this State shall not operate to deprive any person of the right to vote in the precinct, ward or other election district from which such person has removed until thirty days after such removal. No person who has been convicted, or who has confessed his guilt in open court upon indictment, of any crime the punishment of which now is, or may hereafter be, imprisonment in the State's Prison, shall be permitted to vote, unless the said person shall be first restored to citizenship in the manner prescribed by law. (As amended in the 1954 election.)

**Sec. 3. VOTERS TO BE REGISTERED.** Every person so offering to vote shall be at the time a legally registered voter as herein prescribed, and in the manner hereafter provided by law, and the General Assembly of North Carolina shall enact general registration laws to carry into effect the provisions of this article.

**Sec. 4. QUALIFICATION FOR REGISTRATION.** Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language. But no male person who was, on January 1, 1867, or at any time prior thereto, entitled to vote under the laws of any State in the United States wherein he then resided, and no lineal descendant of any such person, shall be denied the right to register and vote at any election in this State by reason of his failure to possess the educational qualifications herein prescribed: *Provided*, he shall have registered in accordance with the terms of this section prior to December 1, 1908. The General Assembly shall provide for the registration of all persons entitled to vote without the educational qualifications herein prescribed, and shall, on or before November 1, 1908, provide for the making of a permanent record of such registration, and all persons so registered shall forever thereafter have the right to vote in all elections by the people in this State, unless disqualified under section two of this article.

**Sec. 5. INDIVISIBLE PLAN; LEGISLATIVE INTENT.** That this amendment to the Constitution is presented and adopted as one indivisible plan for the regulation of the suffrage, with the intent and purpose to so connect the different parts, and to make them so dependent upon each other, that the whole shall stand or fall together.

**Sec. 6. ELECTIONS BY PEOPLE AND GENERAL ASSEMBLY.** All elections by the people shall be by ballot, and all elections by the General Assembly shall be Viva voce.



**Sec. 7. ELIGIBILITY TO OFFICE; OFFICIAL OATH.** Every voter in North Carolina, except as in this article disqualified, shall be eligible to office, but before entering upon the duties of the office he shall take and subscribe the following oath:

“I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as \_\_\_\_\_, so help me, God.”

**Sec. 8. DISQUALIFICATION FOR OFFICE.** The following classes of persons shall be disqualified for office: First, all persons who shall deny the being of Almighty God. Second, all persons who shall have been convicted or confessed their guilt on indictment pending, and whether sentenced or not, or under judgment suspended, of any treason or felony, or of any other crime for which the punishment may be imprisonment in the penitentiary, since becoming citizens of the United States, or of corruption or malpractice in office, unless such persons shall be restored to the rights of citizenship in a manner prescribed by law.

**Sec. 9. WHEN THIS CHAPTER OPERATIVE.** That this amendment to the Constitution shall go into effect on the first day of July, nineteen hundred and two, if a majority of votes cast at the next general election shall be cast in favor of this suffrage amendment.



## SUBCHAPTER V. CONGRESSIONAL, JUDICIAL, SOLICITORIAL AND SENATORIAL DISTRICTS OF NORTH CAROLINA

### CONGRESSIONAL DISTRICTS

*First District*—Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Gates, Hertford, Hyde, Martin, Pasquotank, Perquimans, Pitt, Tyrrell, and Washington counties.

*Second District*—Edgecombe, Franklin, Greene, Halifax, Lenoir, Northampton, Vance, Warren, and Wilson counties.

*Third District*—Carteret, Craven, Duplin, Harnett, Jones, Onslow, Pamlico, Pender, Sampson, and Wayne counties.

*Fourth District*—Chatham, Davidson, Johnston, Nash, Randolph, and Wake counties.

*Fifth District*—Caswell, Forsyth, Granville, Person, Rockingham, Stokes, Surry, and Wilkes counties.

*Sixth District*—Alamance, Durham, Guilford, and Orange counties.

*Seventh District*—Bladen, Brunswick, Columbus, Cumberland, Hoke, New Hanover, Robeson, and Scotland counties.

*Eighth District*—Anson, Lee, Lincoln, Mecklenburg, Montgomery, Moore, Richmond, and Union counties.

*Ninth District*—Alexander, Alleghany, Ashe, Cabarrus, Caldwell, Davie, Iredell, Rowan, Stanly, Watauga, and Yadkin counties.

*Tenth District*—Avery, Burke, Catawba, Cleveland, Gaston, Mitchell, and Rutherford counties.

*Eleventh District*—Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Polk, Swain, Transylvania, and Yancey counties.

1941, c. 3; 1961, c. 864.

### JUDICIAL DISTRICTS

*First District*—Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans.

*Second District*—Beaufort, Hyde, Martin, Tyrrell, Washington.

*Third District*—Carteret, Craven, Pamlico, Pitt.

*Fourth District*—Duplin, Jones, Onslow, Sampson.

*Fifth District*—New Hanover, Pender.

*Sixth District*—Bertie, Halifax, Hertford, Northampton.

*Seventh District*—Edgecombe, Nash, Wilson.

*Eighth District*—Greene, Lenoir, Wayne.

*Ninth District*—Franklin, Granville, Person, Vance, Warren.

*Tenth District*—Wake.

*Eleventh District*—Harnett, Lee, Johnston.

*Twelfth District*—Cumberland, Hoke.

*Thirteenth District*—Bladen, Brunswick, Columbus.

*Fourteenth District*—Durham.

*Fifteenth District*—Alamance, Caswell, Chatham, Orange.

*Sixteenth District*—Robeson, Scotland.

*Seventeenth District*—Rockingham, Stokes, Surry.



*Eighteenth District*—Guilford.

*Nineteenth District*—Cabarrus, Montgomery, Randolph, Rowan.

*Twentieth District*—Anson, Moore, Richmond, Stanly, Union.

*Twenty-first District*—Forsyth.

*Twenty-second District*—Alexander, Davidson, Davie, Iredell.

*Twenty-Third District*—Alleghany, Ashe, Wilkes, Yadkin.

*Twenty-Fourth District*—Avery, Madison, Mitchell, Watauga, Yancey.

*Twenty-Fifth District*—Burke, Caldwell, Catawba.

*Twenty-Sixth District*—Mecklenburg.

*Twenty-Seventh District*—Cleveland, Gaston, Lincoln.

*Twenty-Eighth District*—Buncombe.

*Twenty-Ninth District*—Henderson, McDowell, Polk, Rutherford, Transylvania.

*Thirtieth District*—Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain.  
(1955, c. 129.)

### SOLICITORIAL DISTRICTS

*First District*—Beaufort, Camden, Chowan, Currituck, Dare, Gates, Hyde, Pasquotank, Perquimans, Tyrrell.

*Second District*—Edgecombe, Martin, Nash, Washington, Wilson.

*Third District*—Bertie, Granville, Halifax, Hertford, Northampton, Vance, Warren.

*Fourth District*—Harnett, Johnston, Lee, Wayne.

*Fifth District*—Carteret, Craven, Greene, Jones, Pamlico, Pitt.

*Sixth District*—Duplin, Lenoir, Onslow, Sampson.

*Seventh District*—Franklin, Wake.

*Eighth District*—Brunswick, Columbus, New Hanover, Pender.

*Ninth District*—Cumberland, Hoke.

*Nine A*—Robeson, Bladen.

*Tenth District*—Durham.

*Ten A*—Alamance, Chatham, Orange, Person.

*Eleventh District*—Alleghany, Ashe, Forsyth.

*Twelfth District*—Davidson, Guilford.

*Thirteenth District*—Anson, Moore, Richmond, Scotland, Stanly, Union.

*Fourteenth District*—Gaston.

*Fourteen A*—Mecklenburg.

*Fifteenth District*—Alexander, Cabarrus, Iredell, Montgomery, Randolph, Rowan.

*Sixteenth District*—Burke, Caldwell, Catawba, Cleveland, Lincoln, Watauga.

*Seventeenth District*—Avery, Davie, Mitchell, Wilkes, Yadkin.

*Eighteenth District*—Henderson, McDowell, Polk, Rutherford, Transylvania, Yancey.

*Nineteenth District*—Buncombe, Madison.

*Twentieth District*—Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain.

*Twenty-first District*—Caswell, Rockingham, Stokes, Surry.

1943, c. 134; 1961, c. 730.



**SENATORIAL DISTRICTS**

- First District*—Bertie, Camden, Chowan, Currituck, Gates, Hertford, Pasquotank, and Perquimans counties (2 Senators).
- Second District*—Beaufort, Dare, Hyde, Martin, Pamlico, Tyrrell, and Washington counties (2 Senators).
- Third District*—Northampton, Vance, and Warren counties (1 Senator).
- Fourth District*—Edgecombe and Halifax counties (2 Senators).
- Fifth District*—Pitt County (1 Senator).
- Sixth District*—Franklin, Nash, and Wilson counties (2 Senators).
- Seventh District*—Carteret, Craven, Greene, Jones, Lenoir, and Onslow counties (2 Senators).
- Eighth District*—Johnston and Wayne counties (2 Senators).
- Ninth District*—Duplin, New Hanover, Pender, and Sampson counties (2 Senators).
- Tenth District*—Bladen, Brunswick, Columbus, and Cumberland counties (2 Senators).
- Eleventh District*—Robeson county (1 Senator).
- Twelfth District*—Harnett, Hoke, Moore, and Randolph counties (2 Senators).
- Thirteenth District*—Chatham, Lee, and Wake counties (2 Senators).
- Fourteenth District*—Durham, Granville, and Person counties (2 Senators).
- Fifteenth District*—Caswell and Rockingham counties (1 Senator).
- Sixteenth District*—Alamance and Orange counties (1 Senator).
- Seventeenth District*—Guilford county (1 Senator).
- Eighteenth District*—Davidson, Montgomery, Richmond, and Scotland counties (2 Senators).
- Nineteenth District*—Anson, Stanly, and Union counties (2 Senators).
- Twentieth District*—Mecklenburg county (1 Senator).
- Twenty-first District*—Cabarrus and Rowan counties (Act provides that one Senator shall be nominated from Rowan county and the other shall be nominated from Cabarrus).
- Twenty-second District*—Forsyth county (1 Senator).
- Twenty-third District*—Stokes and Surry counties (1 Senator).
- Twenty-fourth District*—Davie, Wilkes, and Yadkin counties (1 Senator).
- Twenty-fifth District*—Catawba, Iredell, and Lincoln counties (2 Senators).
- Twenty-sixth District*—Gaston county (1 Senator).
- Twenty-seventh District*—Cleveland,, McDowell and Rutherford counties (2 Senators).
- Twenty-eighth District*—Alexander, Burke, and Caldwell counties (1 Senator).
- Twenty-ninth District*—Alleghany, Ashe, and Watauga counties (1 Senator).
- Thirtieth District*—Avery, Madison, Mitchell, and Yancey counties (1 Senator). (See Chap. 442, 1955 laws.)
- Thirty-first District*—Buncombe county (1 Senator).
- Thirty-second District*—Haywood, Henderson, Jackson, Polk, and Transylvania counties (2 Senators).
- Thirty-third District*—Cherokee, Clay, Graham, Macon, and Swain counties (1 Senator). (See Chap. 621, 1959 laws.)



## SUBCHAPTER VI. VOTE BY COUNTIES IN 1960 GENERAL ELECTION FOR PRESIDENT AND GOVERNOR

County	For President		For Governor	
	Kennedy (Dem.)	Nixon (Rep.)	Sanford (Dem.)	Gavin (Rep.)
Alamance.....	13,599	14,818	12,437	15,763
Alexander.....	3,956	4,175	3,291	3,933
Alleghany.....	2,121	1,978	2,279	1,839
Anson.....	4,120	1,597	4,297	1,337
Ashe.....	4,477	4,823	4,728	4,663
Avery.....	1,047	4,176	1,310	3,860
Beaufort.....	6,039	2,694	6,004	2,605
Bertie.....	3,682	577	3,740	422
Bladen.....	4,353	1,854	4,469	1,709
Brunswick.....	4,305	2,915	4,254	2,931
Buncombe.....	23,303	28,040	23,875	24,636
Burke.....	10,015	12,925	10,815	12,193
Cabarrus.....	8,680	15,678	9,547	14,678
Caldwell.....	8,722	11,553	9,566	10,788
Camden.....	1,014	338	1,057	278
Carteret.....	5,264	4,493	5,249	4,515
Caswell.....	2,832	1,272	2,675	1,283
Catawba.....	13,491	19,135	14,456	18,149
Chatham.....	4,683	4,308	4,729	4,233
Cherokee.....	3,197	4,294	3,512	4,038
Chowan.....	1,920	533	1,953	415
Clay.....	1,264	1,657	1,416	1,547
Cleveland.....	10,545	8,257	11,482	7,188
Columbus.....	10,455	3,655	10,488	3,279
Craven.....	7,158	3,680	7,125	3,834
Cumberland.....	11,601	8,072	13,451	6,159
Currituck.....	1,651	464	1,732	314
Dare.....	1,247	1,058	1,551	701
Davidson.....	13,118	18,797	13,746	18,193
Davie.....	2,471	4,788	2,638	4,555
Duplin.....	7,269	2,953	7,321	2,816
Durham.....	19,298	14,322	17,215	14,359
Edgecombe.....	8,046	2,279	7,703	2,005
Forsyth.....	24,035	33,374	24,620	30,849
Franklin.....	5,081	1,108	5,061	1,039
Gaston.....	20,104	21,250	21,419	19,469
Gates.....	1,549	385	1,577	240
Graham.....	1,335	1,721	1,555	1,617
Granville.....	4,945	1,798	4,627	1,654
Greene.....	3,092	451	3,112	400
Guilford.....	30,486	41,357	29,468	40,752
Halifax.....	8,872	2,343	9,043	2,072
Harnett.....	7,892	5,301	7,915	5,166
Haywood.....	8,044	8,583	8,704	7,775
Henderson.....	4,611	10,835	5,537	9,868
Hertford.....	3,105	781	3,277	554
Hoke.....	2,106	596	2,228	472
Hyde.....	1,147	481	1,133	482
Iredell.....	8,973	12,085	9,627	11,557
Jackson.....	3,900	4,017	4,354	3,622



**VOTE BY COUNTIES IN 1960 GENERAL ELECTION FOR PRESIDENT AND  
GOVERNOR—CONTINUED**

County	For President		For Governor	
	Kennedy (Dem.)	Nixon (Rep.)	Sanford (Dem.)	Gavin (Rep.)
Johnston.....	9,914	6,660	9,881	6,198
Jones.....	1,920	585	1,971	502
Lee.....	4,673	2,563	3,997	3,070
Lenoir.....	8,126	3,658	8,095	3,578
Lincoln.....	6,728	6,816	7,010	6,534
Macon.....	3,098	3,735	3,497	3,422
Madison.....	4,546	4,422	4,848	4,193
Martin.....	5,826	737	5,842	600
McDowell.....	4,889	6,148	5,491	5,571
Mecklenburg.....	39,362	48,250	43,403	42,365
Mitchell.....	1,174	4,831	1,421	4,506
Montgomery.....	3,297	3,649	3,459	3,516
Moore.....	5,548	5,815	5,815	5,462
Nash.....	10,086	3,896	10,238	3,619
New Hanover.....	13,182	9,775	13,171	9,657
Northampton.....	4,756	678	4,875	443
Onslow.....	5,564	2,812	5,731	2,534
Orange.....	7,180	5,231	7,443	4,840
Pamlico.....	1,697	1,061	1,722	1,012
Pasquotank.....	4,530	1,827	4,845	1,375
Pender.....	2,744	1,274	2,816	1,164
Perquimans.....	1,460	637	1,515	429
Person.....	4,305	1,926	4,325	1,744
Pitt.....	12,526	3,458	12,551	3,162
Polk.....	2,762	2,856	2,952	2,578
Randolph.....	9,789	15,772	9,628	16,021
Richmond.....	8,293	3,285	8,503	2,965
Robeson.....	11,623	3,580	12,214	2,846
Rockingham.....	11,207	9,456	10,984	9,473
Rowan.....	12,919	17,726	13,770	16,739
Rutherford.....	8,554	8,993	9,333	8,202
Sampson.....	7,632	7,338	7,832	7,143
Scotland.....	3,643	1,279	3,909	940
Stanly.....	8,259	11,080	8,708	10,681
Stokes.....	4,487	4,872	4,685	4,756
Surry.....	8,185	10,035	8,594	9,603
Swain.....	2,171	2,112	2,300	1,800
Transylvania.....	3,388	4,221	3,870	3,732
Tyrrell.....	926	349	1,026	222
Union.....	7,393	4,030	7,670	3,610
Vance.....	5,694	2,012	5,762	1,892
Wake.....	26,050	18,436	25,407	17,856
Warren.....	2,997	717	3,135	552
Washington.....	2,415	1,027	2,492	910
Watauga.....	3,440	5,020	4,127	4,607
Wayne.....	7,856	5,474	8,057	4,775
Wilkes.....	7,986	13,016	8,148	12,884
Wilson.....	8,021	3,114	8,102	2,829
Yadkin.....	2,785	7,268	3,081	6,973
Yancey.....	3,310	3,284	3,629	3,084
Total.....	713,136	655,420	735,248	613,975



## **SUBCHAPTER VII. RULES ADOPTED BY STATE BOARD OF ELECTIONS GOVERNING CONTESTS WITH RESPECT TO ELECTIONS AND REMOVAL OF ELECTION OFFICIALS**

### **ELECTION CONTESTS**

#### **1**

When any controversy shall arise with respect to the counting of the ballots, or the certification of the returns of the vote, in any primary or general election, in any precinct or precincts, any candidate or elector desiring to make any complaint or protest regarding same shall make such protest in writing to the County Board of Elections on or before the time fixed by the statutes for the canvassing of the votes for such primary or general election by the County Board of Elections, and said County Board of Elections may determine the controversy at said meeting or at any time hereinafter specified.

If, after the canvass is completed by the County Board of Elections, any candidate or candidates, participating in such primary or election, demands a recount by the County Board of Elections in any one or more precincts in the county, and presents sufficient evidence by affidavit tending to show errors in the canvassing of said votes by the County Board of Elections, either because of an error in the tabulation thereof or because of the counting of alleged illegal ballots, in an amount alleged to be sufficient to change the results of the nomination or election of such candidate or candidates, then this demand for the recount must be made to the chairman or secretary of the County Board of Elections, in writing, by 6 o'clock p. m. on or before the second day following the completion of the original count by said County Board and the declaration by it of the results of said primary or election. The County Board of Elections shall thereupon, within the time prescribed, meet to consider this demand for a recount.

#### **2**

Such written protest shall specify the names of each voter whose vote is alleged to have been illegally cast, and shall state the reason or reasons assigned for such illegality.

#### **3**

If the protest is based upon any cause other than illegal votes alleged to have been cast, the exact nature of the protest shall be stated so that the County Board of Elections may be fully advised of the nature and character of each charge at the time of filing such written protest. It shall be the duty of the elector or electors filing the same to cause a copy thereof to be served upon the candidate or candidates whose vote in such primary or general election would be adversely affected if such protest should be sustained. The Chairman of the County Board of Elections may require notice to be served on other candidates or electors, or election officials, if in his opinion such others may be directly involved in the controversy.

#### **4**

It shall be the duty of the County Board of Elections, upon receipt of such protest or demand for a recount, to fix a time and place when such charges will be heard by it, and said Board may in its discretion allow the evidence to be presented in affidavit form, or it may subpoena witnesses and examine them in person.

If said protest or demand for a recount involves the nomination of a candidate in a first primary, and there are more than two candidates participating in said primary for the nomination to said office, then the date of the hearing by said County Board must be held, and its decision thereon must be made, within sufficient time for the holding of the second primary on the date specified by law to determine the nomination of the candidate for said office.



## 5

After hearing the evidence, the County Board of Elections shall pass upon the same, and after having done so it shall be its duty to record its findings and conclusions in its minutes and proceed to certify the results of such election, as required by law. Upon hearing the evidence the County Board of Elections, by a majority vote of its members, may submit its findings of fact to the State Board of Elections for instructions from the State Board of Elections with respect to any conclusions of law arising upon such facts, and it shall be the duty of the State Board of Elections, either through its chairman or executive secretary or a majority of its Board, to advise the County Board with respect thereto.

## 6

Either party to such protest before the County Board of Elections, acting as a canvassing board, may appeal from its findings of fact or conclusions of law to the State Board of Elections; whereupon it shall be the duty of the State Board of Elections to fix a time and place for hearing the controversy *de novo*.

Appeals to the State Board of Elections, from the decisions of the County Board of Elections, shall be perfected within two days after the decision is rendered by the County Board of Elections in a first primary and five days in a second primary or general election, and the appellant's statement of his case on appeal shall, within said two or five-day period, be mailed to the Chairman or Executive Secretary of the State Board of Elections, together with an extra copy of same for the appellee.

## 7

Upon such appeal from the County Board of Elections, the State Board of Elections may require the evidence to be presented to it in affidavit form, or at its election it may subpoena and examine witnesses, or both, but the charges investigated shall be only those contained in the original written protest and answer of the respondents, except as to amendments allowed or directed by the State Board.

## 8

The findings of fact and conclusions of law of the State Board of Elections shall be made in writing and a copy thereof furnished to the protestants and respondents, and one copy filed with the Executive Secretary of the State Board of Elections as a permanent record in said office.

## 9

Neither the County Board of Elections nor the State Board of Elections will investigate or conduct any hearing of charges or protests frivolous in nature, or which in the opinion of either Board have been filed for the mere purpose of delay, or which have not been made in good faith.

When any charges are preferred either before the County Board of Elections or the State Board of Elections, with respect to the canvass of the vote in any primary or general election, pending the hearing an examination or inspection of the ballots and other official documents of the election officials shall be permitted under such conditions as the Board may prescribe in each particular case, great care being exercised in each instance to preserve all ballots and official records and papers.

#### CHARGES AGAINST MEMBERS OF COUNTY BOARD OF ELECTIONS

## 1

Any elector desiring to prefer charges with the State Board of Elections against a member of any County Board of Elections may do so by filing with the Board a statement, in writing, verified by the oath of the elector, which statement must contain:

(a) The name and postoffice address of the official against whom the charges are preferred.



(b) A brief, intelligent statement of the facts constituting the official misconduct alleged, with a reference to the date and place of such misconduct.

(c) The names and addresses, so far as may be known to the person filing the charges, of persons who have knowledge or information of the matters referred to in the charges as filed.

## 2

If the charges thus filed show prima facie a violation of the election law, a breach of official duty, a participation in intentional irregularities, incapacity or incompetency to discharge the duties of the office, the State Board of Elections will cause notice thereof to be given to the official against whom the charges are preferred, by mail or by such other methods as the Board may adopt, of such charges and name a day and place for the hearing thereof.

## 3

At such hearing the persons preferring such charges shall appear, and by affidavits, unless otherwise ordered or permitted by the Board, present the evidence tending to support the charges. Such affidavits must be served on the official against whom such charges have been filed, by the person filing the charges, at least three days before the time set for the hearing.

## 4

The official against whom charges are preferred shall have the right to be heard by affidavit, or otherwise as the Board may direct, in denial, rebuttal, explanation, or extenuation of the charges.

## 5

The inquiry shall be confined to the charges as filed, but the Board, as a matter of course, may of its own motion investigate any matter coming to its attention or notice as the result of hearing said charges.

## 6

Either party may make application to the Chairman of the Board for subpoenas for witnesses to be heard orally at such hearing; but such application, in addition to listing the names of the witnesses, shall contain a brief statement of what is expected to be proved by each witness and the reason for not obtaining the affidavit of such witness or witnesses. If, upon such application for subpoenas, the Chairman of the Board is of the opinion that the oral evidence of such witnesses will be helpful to the Board, subpoenas will be issued for the personal appearance of the witnesses, and if required by the subpoena, the witness shall produce such books, papers, or records as may be called for in said subpoena.

## CHARGES AGAINST ANY PRECINCT ELECTION OFFICIAL

## 1

Any elector may file with the Chairman of any County Board of Elections charges against any precinct election official, and the County Board of Elections shall, in the hearing of such charges, adopt the same procedure as is prescribed herein for hearing of charges filed with the State Board of Elections against a member of the County Board of Elections.

## 2

Upon the filing of such charges with the County Board of Elections, the Chairman of such Board shall forthwith set the date for the hearing of such charges and immediately transmit to the State Board of Elections a copy of such charges, advising this Board of the date set for the hearing, and at once, after the hearing, advise the State Board of the disposition made by the County Board of the charges thus heard.



From the decision of the County Board the petitioning elector, or responding official, may appeal to the State Board of Elections, when the matter will be heard *de novo*, under the rules prescribed for hearing before the State Board.

#### SUMMARY INVESTIGATION

The State Board may, whenever the circumstances of any matter pending before it may indicate the necessity therefor, suspend these rules and proceed in a summary manner to make any inquiry or investigation which in its judgment may be necessary or desirable for the prompt and efficient enforcement of the laws pertaining to elections, and the proper performance of their duties by election officials.

#### REPORTS OF EVIDENCE TENDING TO SHOW CRIMINAL VIOLATION OF ELECTION LAWS TO BE MADE TO PROSECUTING OFFICERS

The State Board of Elections and every County Board of Elections, upon the completion of any hearing with respect to the violation of the election laws, shall report in writing to the appropriate prosecuting officer a resume or summary of all evidence heard by such Board which tends to show that any person or persons probably have been guilty of one or more violations of the election laws, the violation of which is made a crime by law. A record shall be kept by such Board of all such reports to such prosecuting officers. Upon request by any prosecuting officer, the written evidence heard by either Board shall be made available for his examination and official use.

These rules were adopted by the State Board of Elections on the fourteenth day of September, 1934.



## **SUBCHAPTER VIII. RULES AND REGULATIONS ADOPTED BY THE STATE BOARD OF ELECTIONS, MARCH 20TH, 1954 ON USE OF VOTING MACHINES IN NORTH CAROLINA**

### **I. TYPE OF VOTING MACHINES WHICH MAY BE USED IN NORTH CAROLINA.**

Any voting machine adopted by a County Board of Elections for use in any county in North Carolina shall be so constructed as to fulfill the following requirements:

1. It shall secure to the voter secrecy in the act of voting.
2. It shall enable each voter to vote a straight party ticket in a general election.
3. It shall provide facilities for voting for all candidates of as many legal political parties as may make nominations.
4. It shall, except in primary elections, permit the voter to vote for all the candidates of one party, or in part for the candidates of one or more other parties.
5. It shall permit the voter to vote for as many persons for an office as he is lawfully entitled to vote for, but no more.
6. It shall prevent the voter from voting for the same persons more than once for the same office.
7. It shall permit the voter to vote for or against any question he may have the right to vote on, but no other.
8. It shall permit each voter in a general election, but not in a primary, to deposit, write in, or affix upon receptacles or devices provided for the purpose, ballots containing the names of persons for whom he desires to vote, whose names do not appear upon the machine.
9. It shall be equipped for use in primary elections so that the election officials can lock out all rows except those of the voter's political party by a single adjustment on the machine.
10. It shall correctly register or record, and accurately count all votes cast for any and all persons, and for or against any and all questions.
11. It shall be provided with a public counter which shall show at all times during an election how many persons have voted.
12. It shall contain proper places on the face of the machine in plain view of the voter when voting where the ballot labels shall be put, either in a perpendicular or horizontal position, so the voter will know exactly how he is voting.
13. It shall contain a locked, concealed counter which shall be concealed at all times during the time the polls are open but which can be opened after the close of the polls and show the total vote cast for each candidate and for each party and on each question or issue submitted.

The State Board of Elections has already approved two types of voting machines for use in this State which comply with all of the above requirements; namely, (1) The Automatic Voting Machine, manufactured by the Automatic Voting Machine Corporation at Jamestown, New York. (2) The Shoup Voting Machine, manufactured by the Shoup Voting Machine Corporation, Philadelphia. Pa.

### **II. CUSTODY OF VOTING MACHINES:**

Voting machines, when not in use, shall be under the custody of the Chairman of the County Board of Elections who shall be directly responsible to the County Board of Elections for the safe-keeping, storage, maintenance and care of the machines. All voting machines shall be properly



stored in a safe, dry building, securely locked so they cannot be tampered with when not in use on election day. The Chairman of the County Board of Elections may appoint as many persons as the Board approves, for the maintenance, storage and care of the voting machines and for the proper preparation of the machines for a primary or election, as well as for their delivery to the voting precincts preceding a primary or an election. These persons so appointed by the Chairman as custodians shall be paid for their services such compensation as the County Board of Elections may authorize and as approved by the County Commissioners. On election day when the machines are being used for voting purposes, and until they are collected by the County Board Chairman, they shall be in the custody of the precinct registrar.

### **III. INSTRUCTING THE PRECINCT OFFICIALS ON USE OF VOTING MACHINES BY VOTERS:**

The Chairman of the County Board of Elections in a county where voting machines are used in more than one voting precinct, shall hold an instruction meeting before any primary or election for the purpose of instructing the precinct registrars and judges on the use of the machines so that they may be qualified to instruct the voters on how to vote on a voting machine. The precinct election officers shall be instructed on the use and operation of the machine according to factory instructions furnished with the machines when they are purchased or rented, and the Chairman of the County Board of Elections shall not permit a voting machine to be used in any precinct in any elections shall not permit a voting machine to be used in any precinct in any election unless the Chairman shall be satisfied that the registrar and judges of the precinct have learned the proper use and operation of the machines.

### **IV. BALLOT LABELS FOR USE ON VOTING MACHINES:**

(a) *In Primary Elections*—All voting machine ballot labels for use in any county using voting machines in a primary shall be printed and furnished by the Chairman of the County Board of Elections. The State Board of Elections shall transmit to the said county Chairman a list of the names of all candidates of all political parties who have filed their notices of candidacy with the State Board of Elections and who are entitled to be voted for in the primary election, and the Chairman shall print the names of such candidates on the special voting machine ballot labels, together with the names of all candidates who have filed with the county chairman for legislative, county and township offices, arranged under the proper party name. The names of all of the candidates for each office for each political party shall be printed in alphabetical order under or to the right of the title of the office.

(b) *In General Elections*—All voting machine ballot labels for use in any county using voting machines in a general election shall be printed and furnished by the Chairman of the County Board of Elections. The State Board of Elections shall transmit to the said county chairman a list of the names of all party nominees for the various offices for which the State Board of Elections is required by law to canvass the vote and certify the nominees and who are entitled to be voted for in the general election, and the said County Chairman shall print their names on the special voting machine ballot labels, together with the names of the nominees for the offices for which the County Board of Elections is required to canvass the votes and certify the nominees, under the proper party name.

### **V. ARRANGEMENT OF POLLING PLACE WHERE VOTING MACHINES ARE USED:**

At all elections where voting machines may be used, the arrangement of the polling place shall be the same as is now provided by law, except no voting booths or ballot boxes shall be used. The exterior of the voting machines and every part of the polling room shall be in plain view of the election officers. The machines shall be so placed that the ballot labels on



the face of the machines can be plainly seen by the election officers and the party challengers and observers when not in use by voters. The election officers shall not themselves be, or permit any other person to be, in any position that will permit one to see or ascertain how a voter votes, except when the voter requests assistance. It shall be the duty of the registrar to post on the wall inside of the polling room sample voting machine ballots so that voters may inspect them to see where the different *Parties and Candidates* and *Questions* are located on the machine and thus be able to find them quickly when voting. It is well, where possible to do so, to have a model voting machine, furnished by the manufacturers of the voting machines, set up on the election officers table, where the voters will pass it on their way to the machine, and have one of the judges of election, or an assistant, instruct each voter as he passes by letting the voter operate the model himself. In this way he can become familiar with the manner of operating the voting machine before he enters it, and will not require assistance in operating it.

#### **VI. DELIVERY OF VOTING MACHINES TO PRECINCT REGISTRARS AND WHAT INSPECTIONS TO BE MADE.**

It shall be the duty of the Chairman of the County Board of Elections to have each voting machine delivered to the voting places and placed in the custody of the registrar within three days before the election with the ballot labels already in place on each machine. When the machines are delivered to the registrar the said Chairman or his agent shall deliver to the registrar the keys for each machine in a *Sealed Envelope*. The registrar and Chairman shall then check to be sure that the number stamped on the *Keys correspond* to the number on the *Voting Machines*. They shall also check to see that the ballot labels are correctly in position and examine the counters to see if they have been turned to 000, and that the machines are in good working order.

#### **VII. DIRECTIONS FOR VOTING WHEN MACHINES ARE USED.**

Just preceding the time for the polls to open, the registrar and judges shall open the voting machines and examine the ballot labels and counters to see if it is set at 000, and shall allow any watchers or any electors to examine the same before the voting begins. If found to be correct and in proper form, the counter shall be locked and sealed and remain that way until the polls close.

After a voter enters the voting room or enclosure where voting machines are used, he shall follow the same procedure preparatory to voting as if paper ballots were used. The voter shall present himself to the registrar who will check the registration book to ascertain if the voter is properly registered. If found to be registered then the judge keeping the poll book will write his name in the poll book as having voted and the registrar shall also check his name on the registration book as having voted. If it is a primary election and the voter has no party affiliation recorded against his name on the registration book and refuses to declare his party affiliation, or states that he is an independent voter, then the registrar shall inform him that he cannot vote in the primary as the law now so provides. If the voter does have his party affiliation recorded, then the registrar shall inform the election officer in charge of the voting machine the party affiliation of the voter as recorded, and the party ticket which he may lawfully vote—that is the same party as is recorded for him on the registration book. The voter shall, if properly registered, then go to the officer in charge of the voting machine and present himself for voting. The voter then shall be asked by the officer in charge if he knows how to operate the voting machine. If he says no, the officer, at the voter's request, may explain to the voter how to vote on the machine. If in a primary, the officer must actuate the primary knob or lever for the particular political party with which the voter is enrolled so that he cannot vote for candidates of any other party in the primary. After completing the voting the voter opens the curtains and leaves the voting enclosure.



A voter using a voting machine is entitled to request the same assistance in the actual voting on the machine as the law now allows him to have in marking a paper ballot.

#### **VIII. DIRECTIONS FOR COUNTING OF VOTES AND PREPARING RETURNS: ABSENTEE VOTES COUNTED.**

Immediately upon the close of the polls, the precinct election officers shall lock and seal the voting machine against further voting and open the counter compartment in the presence of persons who may be lawfully present at that time, giving full view of the counters. The presiding registrar, under the scrutiny of a judge of a different political party in a general election, or of any precinct official or any voters present in a primary election, shall then, in the order of the offices as their titles are arranged on the machine, read and announce in distinct tones the result as shown by the counter. He shall also, in the same manner, read and announce the vote on each constitutional amendment, proposition, or other question. As each vote is read and announced, it shall be recorded on two statements by the two judges, and when completed shall be compared with the numbers on the counters of the machine. If found to be correct, the results given by the voting machine counter shall be announced by the presiding registrar. After the reading and announcing of the vote, and before the doors of the counter compartment of the voting machine shall be closed, ample opportunity shall be given to any person or persons lawfully present to compare the results so announced with the counters of the machine and if any corrections are necessary they shall then and there be made by the precinct officials.

The election officers shall, as soon as the count is completed and fully ascertained, lock the counter compartment and it shall remain locked for a period of thirty days, except it be ordered opened by a court of competent jurisdiction, or by the State or County Board of Elections.

All absentee ballots received at the precinct on primary or general election day from the Chairman of the County Board of Elections shall be opened, checked and counted by the precinct officers in the same manner as is now provided by law where paper ballots are used. The absentee ballots shall be counted after the polls close and the votes added to the total vote as recorded by the voting machine counter. The precinct returns shall show the total votes received by each party or candidate including both those recorded on the voting machines and those of absentee voters. All of the absentee ballots and envelopes shall be returned by each registrar to the county canvass made by the county Board of Elections on the second day following the election.

#### **IX. COLLECTION OF VOTING MACHINES AND KEYS AFTER ELECTION IS OVER:**

The keys of the voting machines shall be enclosed in an envelope to be supplied by the board on which shall be written the number of each machine and the district and precinct where it has been used, which envelope shall be securely sealed and endorsed by the election officers, and shall be returned on canvass day to the board from whom the keys were received. The number on the seal and the number registered on the protective counter shall be written on the envelope containing the keys. All keys for voting machines shall be kept securely locked by the officials having them in charge. Only an authorized person shall have in his possession any key or keys of any voting machine, and all election officers or persons entrusted with such keys for election purposes, or in the preparation of the machine therefor, shall not retain them longer than necessary to use them for such legal purposes. The Chairman of the County Board of Elections shall collect and store all machines as soon after the close of the election as possible, except where they will have to be used in a second primary, and the machines shall at all times be stored in a suitable place within the discretion of the Chairman of the County Board of Elections, including the polling place itself, if suitable.



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